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Mandated areas: economic and social development

Report of the Workshop on Data Collection and Disaggregation for Indigenous Peoples**

Summary

The Workshop on Data Collection and Disaggregation for Indigenous Peoples was convened in accordance with Economic and Social Council decision 2003/300, following a recommendation of the Permanent Forum on Indigenous Issues at its second session. Data collection was identified as an urgent priority by the Permanent Forum on Indigenous Issues at both its first and second sessions. In response to the Council's decision the Workshop was held from 19 to 21 January 2004.

The Workshop was attended by 36 experts from the United Nations system and other intergovernmental organizations, Governments, indigenous organizations and academia. The Workshop discussed a number of case studies and examined challenges and made recommendations concerning data collection and disaggregation concerning indigenous peoples.

In its recommendations, the Workshop promotes better data collection and disaggregation concerning indigenous peoples for the consideration of the Permanent Forum at its third session.

* E/C.19/2004/1.

** The present document is submitted after the slotted date owing to required consultations with the Bureau of the Workshop subsequent to the meeting.

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I. Introduction

1. At both its first and second sessions, the Permanent Forum on Indigenous Issues identified as a major methodological challenge inadequate data collection and disaggregation concerning indigenous peoples on the recommendation of the Permanent Forum at its second session[1] of the Economic and Social Council, in its decision 2003/300:

(a) Authorized the Department of Economic and Social Affairs of the Secretariat to convene, as an initial step, a three-day workshop on the collection of data concerning indigenous peoples, with the participation of three members of the Permanent Forum on Indigenous Issues; experts from United Nations agencies, funds and programmes, including both statistics experts and focal points on indigenous issues; the secretariat of the Forum; experts from indigenous peoples organizations with expertise related to the collection of data concerning indigenous peoples; two academic experts in the field; and interested States;

(b) Authorized the provision of all necessary conference facilities for the workshop;

(c) Decided that the workshop would produce a report containing recommendations for consideration by the Forum at its third session, in 2004.

II. Organization of work

A. Attendance

2. In accordance with the decision of the Permanent Forum to facilitate the workshop, the following Permanent Forum members attended the Workshop: Ida Nicolaisen, Zinaida Strogalschikova and Parshuram Tamang.

3. The Workshop was attended by experts from the following 11 United Nations system and other intergovernmental organizations: Council of Europe, Inter-American Development Bank (IADB), International Labour Organization (ILO), Office of the United Nations High Commissioner for Human Rights, Department of Economic and Social Affairs of the Secretariat, United Nations Development Programme (UNDP), United Nations Children's Fund (UNICEF), United Nations Development Fund for Women (UNIFEM), United Nations Population Fund (UNFPA), World Health Organization/Pan-American Health Organization (WHO/PAHO) and the World Bank. The Workshop was also attended by experts from three Member States, experts from three indigenous organizations and academic institutions and three academic experts from other institutions. The attendance list is contained in annex IV to the present report.

B. Documentation

4. At the commencement of the Workshop, the participants had before them a provisional agenda, a provisional programme of work and documents prepared by participating experts. Documentation made available for the Workshop is listed in annex III. It is also available on the web site of the secretariat of the Permanent Forum on Indigenous Issues (www.un.org/esa/socdev/pfii/news/htm).

C. Opening of the meeting

5. At the opening of the Workshop, a statement was made on behalf of the Director of the Division for Social Policy and Development. The Officer-in-Charge of the Statistical Division also made an opening statement.

D. Election of officers

6. Ida Nicolaisen, Permanent Forum member, was elected Chairperson. Lee Swepston and Cora Voyageur were elected Rapporteurs.

E. Adoption of the agenda and programme of work

7. The Workshop considered its agenda on the basis of the provisional agenda as the agenda of the session. The agenda is contained in annex I.

8. The Workshop was conducted in plenary meetings. Annex II contains the programme of work, and includes the names of participants who served as panellists.

F. Adoption of the report

9. On 21 January 2004, the Workshop adopted the present report by consensus. The recommendations appear in section V.

G. Closure of the Workshop

10. The meeting was closed after the adoption of the recommendations in the final plenary on 21 January 2004.

III. Observations

11. At the opening of the Workshop, the Officer-in-Charge of the Statistics Division noted that consideration of the issue of indigenous peoples and data collection was ground-breaking work. The collection of reliable data would allow judgements to be made about the effectiveness of development programmes that had a direct impact on the quality of life of the world's indigenous peoples. Indigenous issues were the important emerging theme in social statistics. The Chairperson said that the Workshop was a useful exercise, which could aid the mainstreaming of indigenous peoples issues within the international system.

12. Many participants agreed that data collection and disaggregation concerning indigenous peoples posed unique challenges in terms both of developing data for global comparative purposes and of developing data that was useful at a microlevel for indigenous peoples.

13. Participants underlined that qualitative and quantitative data should be combined in a way that would make it possible to conceptualize the problem in question and to understand its underlying causes. Research should be carried out in

partnership with indigenous peoples and the use of qualitative data in the form of case studies, reports of special rapporteurs, community testimonies, etc., would allow Governments, non-governmental organizations, indigenous organizations and the United Nations system to bring in their experience and expertise. Many experts agreed that case studies provided opportunities, which could often be extrapolated into broader lessons. Case studies allowed for the use of both qualitative and quantitative data, which provided a holistic view of the welfare of distinct peoples. They took stock of both similarities and variations. At the same time, case studies could pose problems because of the lack of standardized data to compare with the rest of the (non-indigenous) population. Many participants agreed that a wide range of sources and types of data were desirable in building a complete profile of a people and noted the desirability of having trained indigenous peoples engaged in the full range of work concerning data collection, such as planning, collecting, analysing and report writing.

14. An initial discussion was held concerning the concept of "indigenous". It was noted that there were regional differences of opinion when it came to the concept of "indigenous" and that the terms "tribal" or "ethnic group" were also used. Within the context of the Draft Declaration on the Rights of Indigenous Peoples it had been decided not to adopt any formal definition of the term, and self-identification had been stressed. ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, 1989, provided the spectrum of coverage of the Convention indicating that it applies to tribal peoples and to "peoples in independent countries who are regarded as indigenous on account of their descent". For many the understanding of "indigenous" provided in the Study on the Problem of Discrimination against Indigenous Populations by Jose Martinez-Cobo was also a useful basis (this understanding is reproduced in a document prepared for the Workshop). Many participants agreed that it was crucial to recognize the right to self-identify as part of the right of self-determination, although many of them also noted that there were a lot of complexities concerning self-identity. Many suggested that indigenous descent should be a pre-requisite for indigenous identity, but further noted that traditional adoption should also be considered and respected.

15. Participants noted the multiple objectives of data collection and disaggregation on indigenous issues. They said that data should help to detect and measure discrimination, inequality and exclusion of indigenous peoples individually and as a group underlining that existing data such as participatory poverty assessments and data used to describe regional disparities within a country could be used more efficiently for this purpose. On the other hand data collection should be culturally specific and data should be relevant to the problems identified by indigenous peoples.

16. Intertwined in all discussions was the nature of discrimination and racism, and how statistics, although seemingly neutral, could be used both for the benefit of and the detriment of indigenous peoples. It was noted that some countries did not collect disaggregated data on ethnic groups on the ground of avoiding discrimination and believed that differentiating between groups might lead to conflict. One expert suggested that it might be better to speak of vulnerable or marginalized groups. It was noted that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, in its Programme of Action, urged States to collect, compile, analyse, disseminate and publish reliable statistic data to assess

regularly the situation of individuals and groups of individuals, victims of racism, racial discrimination, xenophobia and related intolerance.

17. Speakers emphasized the need for culturally specific data and standardized data to ensure that indigenous peoples were provided with data that was useful for them. Data on indigenous peoples was often necessary to access state aid. Disaggregated data was also considered important to ensure access to health services.

18. Indigenous experts noted the challenge posed by increasing indigenous populations where about 50 per cent (e.g., Canada) or more were under the age of 19 years. They emphasized the importance of reliable data to allow for crucial planning for the future. Some noted that in many indigenous families, and increasingly those in urban areas, there was in fact one parent, usually female.

19. Statistical experts noted the importance of consistent standardized data over a long period of time and the need for comparative measurements to be taken on the same population. Many felt that there was a need for more collaboration, and that much data was duplicated unnecessarily. Issues of who owned and accessed data were debated and indigenous experts noted that there was still much mistrust felt by indigenous peoples concerning those issues. It was also noted that organizations paying for research might sometimes exercise censorship of the materials produced.

20. Several participants noted the usefulness of surveys for the collection of qualitative data. It was also noted that qualitative data and human rights indicators were important to assess the true social situation of indigenous peoples. Many indigenous experts agreed, for instance, that information on the quality of land was as important as the amount of land controlled by indigenous peoples.

21. Issues and problems concerning data collection and indigenous peoples included but were not limited to: lack of standardized data, which restricted useful comparisons; ethnic drift, where individuals might change ethnic affiliation owing to reduced fear of discrimination, renewed ethnic pride, marriage, adoption, social relationship, perceived benefit or increased options to identify as mixed race; and problems with people who were not of indigenous descent identifying themselves as indigenous, although this was always considered a tiny fraction of the population.

22. As important as the answers presented were the questions asked to provoke discussion:

- Who are we collecting data for?
- How do we collect the data?
- What should be measured?
- Who should control information?
- What is the data for?
- Why do indigenous peoples in resource-rich areas experience poor social conditions and the lack of social services?
- To what degree is remoteness responsible?

It was pointed out that it was important to remember that data was a tool and not an end in itself and that resource extract industries active in the 1950s and 1960s had left degraded areas and no remaining benefits for local peoples.

23. Participants stressed the need for developing a conceptual framework for rights-based indicators to ensure that the data to be collected would be relevant to indigenous peoples, while allowing for the measurement of issues crucial for indigenous peoples' development and rights, such as control over land and resources, equal participation in decision-making and control over their own development processes.

24. Some case studies dispelled the myth that remote areas inhabited by indigenous peoples were unproductive and cost Governments money. The formal economy did not include the subsistence economies of indigenous peoples, and therefore their economies were invisible. Surveys might be a useful supplement to other forms of data collection. It is important that such tools be designed for the intended audience. Often questionnaires designed for urban populations were of little usefulness to rural or remote peoples. Social support, social integration and social conditions should be included in surveys to ensure they were useful for specific groups. An example was given where the costs of consumer goods in remote areas, proved in collected data, allowed the indigenous peoples to lobby for subsidies and rebates to assist in meeting the high costs of living in their homelands.

25. It was pointed out that from the survey design perspective, the number of questions identifying indigenous populations would compete for space in a questionnaire with the questions needed for all other areas to be measured. It is easier to advocate inclusion of a small number of questions if they are previously identified with clear wording, response categories and coding, sampling considerations, training and supervision instructions, data quality issues, data processing requirements and tabulation plans.

26. Although the added cost to any existing survey, in terms of including measurement of indigenous populations, is not expected to be significant if two or three questions were added and no special sampling was required, it would be important to develop a minimum budget to buy, if necessary, part of the survey and to ensure that the data collected was properly transformed into useful information.

27. It was pointed out that the Council of Europe's Framework Convention for the Protection of National Minorities might provide a guide for standards in dealing with various groups, including indigenous peoples, where territories are inhabited by many different groups.

28. Research should be carried out in partnership with indigenous peoples and the use of qualitative data in the form of case studies, reports of special rapporteurs of United Nations human rights and other bodies, community testimonies, etc. would allow Governments, non-governmental organizations, indigenous organizations and the United Nations system to bring in their experience and expertise.

29. It was emphasized by several speakers that much data on indigenous peoples already existed, although it might be very difficult to access, and that new surveys were not always required to learn about their situation. One speaker detailed research that showed how much such data could be revealed by a conscientious study of existing materials (in this case, Canada and the circumpolar region). Indigenous peoples and communities themselves sometimes carried out data

collection efforts. Data on their situation was often submerged in wider data collection efforts and was not visible. It might also be contained in scientific publications, and data collected by various ministries and not included in generally available form. International organizations often collected a great deal of data on indigenous peoples carrying out technical assistance activities, which they did not publish. The benefit of studying and publishing this existing data was emphasized on several occasions.

30. The importance of returning data to the communities from which it was collected, and of the ownership by indigenous communities of data concerning them, was stressed. Indigenous peoples often felt that they were the objects of study without any benefit to them arising from taking part in such efforts.

IV. Challenges to data collection and disaggregation concerning indigenous peoples

31. Some of the challenges identified are as follows:

(a) Data collection was as much a political as a logistical exercise;

(b) Currently available data for the most part did not adequately explain social conditions — there are gaps to be addressed;

(c) Currently available data did not adequately incorporate environmental concerns;

(d) Varying definitions of "indigenous" could pose a problem in collecting data;

(e) Standard forms of questions used would not always accurately reflect the situation of indigenous peoples — for example, indigenous family and social patterns were sometimes very different from the profile of the rest of the population;

(f) Drifting and mobility in ethnic identity provided inconsistencies when comparing the population longitudinally;

(g) Some statistical offices pointed out the inadequate or inaccurate reporting of indigenous identity often as a result of misunderstanding of questions or limited opportunities to identify as belonging to more than one race;

(h) Indigenous peoples who migrated to other countries (either voluntarily or as result of expulsion or fleeing conflict) were often faced with the dilemma of no longer having the opportunity of identifying as indigenous in their new country. This issue was also an issue of the new host country and was increasingly complex because of the increasing amount of migration, both documented and undocumented;

(i) The fact that indigenous peoples often resided in areas affected by war and conflicts posed an additional challenge in terms of data collection;

(j) Collecting statistics on indigenous languages was useful but did not give a complete picture of the population, especially as languages were lost as a result of urbanization, discrimination and other factors. Recording ethnic affiliation remains a problem for statisticians;

(k) Lack of vital or service statistics disaggregated by ethnic group, gender and age group made it difficult to assess adequately the health situation, standard of living, and coverage of health services for indigenous persons, as well as to set priorities for action and the evaluation of impacts on these populations;

(l) The challenge for public health was to translate social and cultural information into practical information to promote the welfare of indigenous communities and individuals;

(m) The economic situation of indigenous peoples was very often underrepresented in official statistics, because they often belonged to informal economies which were reported inadequately;

(n) While some data collection work and dissemination had been done in the Americas and in the circumpolar regions, in particular, limited data had been made available for Asia, Africa, the Caribbean and part of the Pacific;

(o) Some of the challenges could be gleaned from the observations set out in section III above.

V. Recommendations for consideration by the Permanent Forum regarding data collection and disaggregation concerning indigenous peoples

32. In presenting the following recommendations, the Workshop recalls that a requirement of the collection and use of disaggregated data concerning indigenous and tribal peoples is implied through such international instruments as ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, Pan-American Health Organization resolution CD37.R5, as well as in developing instruments such as the Draft Declaration on the Rights of Indigenous Peoples and others.

33. The following recommendations pertain to:

- States and intergovernmental organizations, including the organizations of the United Nations system: paragraphs (1)-(6), (9)-(12), (14), (15), (18), (19), (21) and (22);
- States: paragraphs (7), (8) and (13);
- Intergovernmental organizations: paragraphs (16) and (17);
- Permanent Forum on Indigenous Issues, States and indigenous institutions and organizations: paragraph (24);
- Permanent Forum on Indigenous Issues and the organizations of the United Nations system: paragraph (25);
- Office of the United Nations High Commissioner for Human Rights and the Working Group on Indigenous Populations: part of paragraph (10);
- Indigenous organizations: paragraph (20).

(1) The Permanent Forum on Indigenous Issues and other relevant United Nations and intergovernmental bodies should recommend that in all relevant data collection exercises, Member States include questions on indigenous identity with full respect for the principle of self-identification. It is important to develop multiple criteria with local indigenous peoples' active and meaningful participation accurately to capture identity and socio-economic conditions. The Workshop notes the desirability of having long-term, standardized data based on this principle.

(2) Data collection concerning indigenous peoples should follow the principle of free prior and informed consent at all levels and take into account both the Fundamental Principles of Official Statistics as established by the United Nations Statistical Commission on the basis of the Economic Commission for Europe's Decision C (47) of 1994 (see annex V to the present report) and the collective rights of indigenous peoples. For indigenous peoples living in voluntary isolation, data collection exercises should not be used as a pretext for establishing forced contact.

(3) Data collection should be in accordance with provisions on human rights and fundamental freedoms, and with data protection regulations and privacy guarantees including respect for confidentiality.

(4) Indigenous peoples should fully participate as equal partners, in all stages of data collection, including planning, implementation, analysis and dissemination, access and return, with appropriate resourcing and capacity-building to do so. Data collection must respond to the priorities and aims of the indigenous communities themselves. Participation of indigenous communities in the conceptualization, implementation, reporting, analysis and dissemination of data collected is crucial, at both the country and international levels. Indigenous peoples should be trained and employed by data-collection institutions at the national and international levels. The process of data collection is critical for the empowerment of the communities and for identifying their needs. Indigenous communities should have the right to have data (primary and aggregated) returned to them, for their own use, noting the importance of the confidentiality of such data, particularly as it applies to individuals who have participated. In conducting data-collection exercises, Governments should involve indigenous peoples from the earliest stages (planning and community education) and ensure ongoing partnerships in collecting, analysing and disseminating data.

(5) Data collection exercises should be conducted in local indigenous languages to the extent possible and, where no written language exists, should employ local indigenous peoples (as translators/interpreters as well as advisors) to assist in the collection process.

(6) Both quantitative and qualitative data should be used and combined to provide a holistic picture of the indigenous situation.

(7) The primary responsibility for ensuring data collection lies with Governments.

(8) Civil and vital registration systems should be explored as additional sources of statistics on indigenous peoples.

(9) For international organizations, data collection should be mainstreamed. It should aim at the formulation of development and other public policies including

those addressing poverty, the full spectrum of the Millennium Development Goals, the "3 by 5 Initiative" on HIV/AIDS of WHO and UNAIDS, to treat 3 million by 2005 and others. It should also be used to assess the impact of development assistance and to promote social dialogue at the national level. It is recommended that:

(a) The United Nations system use and further refine existing indicators, such as the common country assessment indicators, the Millennium Development Goals indicators, and country progress reports, other global monitoring instruments, and the human development indexes, to measure the situation of indigenous and tribal peoples;

(b) The national human development reports, produced through nationally-owned, editorially independent processes, could systematically include case studies, and should include disaggregated data on indigenous and tribal peoples;

(c) Participatory poverty assessments of the World Bank could collect and disaggregate data on the poverty situation of indigenous and tribal peoples in all its dimensions, including those defined by indigenous and tribal peoples themselves;

(d) Multiple Indicator cluster surveys as well as demographic health surveys of UNICEF should be used beneficially to collect data on indigenous peoples.

(10) The rights-based approach to development requires the development of a conceptual framework for rights-based indicators that are relevant to indigenous and tribal peoples. It should take into account not only a process of full, active and meaningful participation of indigenous and tribal communities at all stages of data collection, but also indicators that are of particular significance to indigenous peoples, such as access to territories (land and waters) and to resources, participation in decision-making, as well as issues of discrimination or exclusion in the areas of economic, social and cultural rights. Rights-based indicators to be used for data collection and disaggregation on indigenous peoples should be capable of reflecting the current status of the realization of their human rights, be useful in policy articulation and prescription and should measure both the process and the outcome of development activities. They should be able to measure dimensions of the process of the realization of human rights, such as participation, non-discrimination, empowerment and accountability. The Office of the United Nations High Commissioner for Human Rights and the Working Group on Indigenous Populations should be encouraged to contribute to the elaboration of rights-based indicators to measure the situation of indigenous peoples. This would also allow for a broad participation of indigenous peoples and others in the discussion and design of such indicators.

(11) In analysing data, the full diversity and demographic profile of indigenous communities should be taken into account, including gender, children, youth and aged persons, as well as people with disabilities.

(12) In data collection methods and analysis, it should be borne in mind that indigenous peoples live not only in remote and rural areas but also in urban areas and in a wide variety of situations in various countries, and that these peoples are often divided by national borders. Moreover, it should be taken into account that

they are increasingly migrating across borders as the result of globalization and conflict and this reality needs to be reflected in data questions, methods and analysis.

(13) In conducting all relevant data collection exercises, Governments should include indicators to capture the full ethnic and cultural diversity of specific regions to allow the context of the local indigenous peoples to be fully revealed.

(14) International agencies and Governments should support the development of and further encourage Governments in the development, collection and analysis of data on indigenous and tribal peoples in regions where this is less developed, in particular in Africa, Asia, the Caribbean and part of the Pacific, using extensions of exiting systems where appropriate.

(15) The data collected should be specific to the situation of indigenous and tribal peoples, while also allowing comparability with other national and international populations.

(16) A source of data to be explored is the material collected by United Nations agencies, funds and programmes while carrying out development projects. Such material is rarely centralized or publicly available. Agencies should be encouraged, during their development projects and other activities, to collect data in a way that will make them easier to share and publicize.

(17) It is recommended that intergovernmental organizations, funds and programmes launch a coordinated data collection exercise in one or more countries, with the aim of developing a common approach and of maximizing the impact of development assistance concerning indigenous and tribal communities and peoples.

(18) In developing a picture of the living conditions of various indigenous and tribal peoples, there is a need to ensure that environment is adequately included in data collected.

(19) Collaboration between national, regional and international data-collecting bodies is strongly recommended to advance this issue at the global level.

(20) Indigenous controlled statistics initiatives are encouraged to work as part of the whole data collection system at the national level to ensure that data collection systems do not become disjointed or possibly lead to the fragmentation of national systems.

(21) Data collection should include (but not be limited to):

(a) Capturing the statistics of nomadic, semi-nomadic and migrating peoples and peoples in transition, as well as displaced persons;

(b) Capturing information on particularly vulnerable sections of indigenous and tribal peoples.

(22) Policy makers and those designing data collection exercises should be sensitized and trained regarding the nature of the populations being surveyed and the purposes for which data is being sought.

(23) It is recommended that, as one of the next steps, a workshop be organized, with the participation of indigenous peoples, to develop methodological tools, guidelines, examples of questions that could assist in identifying indigenous

and tribal peoples and indicators for data collection concerning indigenous and tribal peoples.

(24) There is an immense amount of data already in existence in national surveys, research institutions, scientific publications and, in particular, data generated by indigenous organizations and communities. The Workshop recommends that as part of the next steps in this process:

(a) Underused sources of statistics at the national level be fully exploited;

(b) The Permanent Forum invite an appropriate institution to conduct a literature watch to capture existing data in scientific reviews and elsewhere relevant to indigenous peoples and that it also examine the feasibility of identifying an institution to serve as a clearing house for all existing data on indigenous issues;

(c) Indigenous institutions and organizations be encouraged to generate relevant data and to coordinate their activities in this field and in partnership with Governments to the extent possible.

Notes

[1] *Official Records of the Economic and Social Council, 2003, Supplement No. 23* (E/2003/43), chap. I, sect. A, para. 1, draft decision 1.

Annex I

Agenda

1. The importance of statistics on indigenous peoples for policy formulation at national and international levels. For statistical data collection and analysis purposes who are indigenous peoples?

2. Data collection and analysis:

   (a) Sources and methods of data collection on indigenous peoples (censuses, surveys and administrative records, etc.);

   (b) Major challenges in the collection, disaggregation and dissemination of statistics on indigenous peoples (definition/terminology, quantity/quality of existing data, adequacy of methods, intercountry comparisons, costs, etc.).

3. Case studies: Experiences in the collection, analysis and dissemination of statistics on indigenous peoples at the national, regional and international levels (including coverage, sources and methodologies applied).

4. Stakeholders: Who are the stakeholders in data production and usage? Participation of stakeholders in the development and planning of statistical work on indigenous peoples. Appropriate participation of indigenous experts and organizations in planning and development of statistical work. This will include development of data collection instruments, data collection, tabulation, analysis and dissemination.

5. Guidelines to collecting intracountry and intercountry comparable data. Moving towards optimum instruments and methods of data collection and analysis, including developing standardized questions to include in censuses, surveys and administrative records. Which common questions would suit each of the above methods of data collection? Strategic packaging, displaying, targeting, dissemination of statistical information.

6. Recommendations for consideration by the Permanent Forum on Indigenous Issues.

Annex II

Programme of work

Monday, 19 January 2004

10 to 10.30 a.m.

- Opening of the Workshop on behalf of the Director of the Division for Social Policy and Development, Johan Schölvinck, and by the Officer-in-charge of the Statistics Division, Willem DeVries, Department of Economic and Social Affairs
- Election of the Chairperson and Rapporteurs

10.30 a.m. to 12 noon

Agenda item 1. The importance of statistics on indigenous peoples for policy formulation at national and international levels. For statistical data collection and analysis purposes who are indigenous peoples?

Panel: Lee Swepston, International Labour Organization

John G. Scott, secretariat of the Permanent Forum on Indigenous Issues

Discussion

12.15 to 1 p.m.

Agenda item 2. Data collection and analysis:

(a) Sources and methods of data collection on indigenous peoples (censuses, surveys and administrative records, etc.);

(b) Major challenges in the collection, disaggregation and dissemination of statistics on indigenous peoples (definition/terminology, quantity/quality of existing data, adequacy of methods, intercountry comparisons, costs, etc.)

Panel: Cora J. Voyageur, University of Calgary (Canada)

Jeremiah Banda, Department of Economic and Social Affairs/ Statistics Division

Discussion

3 to 4 p.m.

Agenda item 2. Data collection and analysis (continued)

4 to 6 p.m.

Agenda item 3. Case studies: Experiences in the collection, analysis and dissemination of statistics on indigenous peoples at the national, regional and international levels (including coverage, sources and methodologies applied)

Panel: Valeri Stepanov, Institute of Ethnology and Anthropology of the Russian Academy of Sciences

Edilberto Loaiza, United Nations Children's Fund

Isabel Kempf, Office of the United Nations High Commissioner for Human Rights

Discussion

Tuesday, 20 January 2004

10 to 11 a.m.

Agenda item 3. Case studies (continued)

Panel: Gerard Duhaime, Laval University (Canada), Department of Social Sciences

Liudmilla Eroshina, State Committee on Statistics (Russian Federation)

Discussion

11.15 a.m. to 1 p.m.

Agenda item 4. Stakeholders: Who are the stakeholders in data production and usage? Participation of stakeholders in the development and planning of statistical work on indigenous peoples. Appropriate participation of indigenous experts and organizations in planning and development of statistical work. This will include development of data collection instruments, data collection, tabulation, analysis and dissemination

Panel: Margaret Walter, University of Tasmania (Australia)

Torunn Petersen, Nordic Saami Institute (Norway)

Jane Gray, First Nations Longitudinal Regional Health Survey (Canada)

Discussion

3 to 4 p.m.

Agenda item 4. Stakeholders (continued)

4.15 to 6 p.m.

Agenda item 5. Guidelines to collecting intracountry and intercountry comparable data. Moving towards optimum instruments and methods of data collection and analysis, including developing standardized questions to include in censuses, surveys and administrative records. Which common questions would suit each of the above methods of data collection? Strategic packaging, displaying, targeting, dissemination of statistical information

Panel: Jorge Condor, Sistema de Informacion de Estadistica de las Nacionalidades y Pueblos del Ecuador

Rocio Rojas, Pan-American Health Organization

Harry Patrinos, World Bank

Discussion

Wednesday, 21 January 2004

10 to 11 a.m.

Agenda item 5. Guidelines (continued)

Panel: Carlos Viteri, Inter-American Development Bank

Enrique Serrano, Comisión Nacional para el Dessarrollo de los Pueblos Indígenas (Mexico)

Ferran Cabrero, United Nations Development Programme

Discussion

11.15 a.m. to 1 p.m.

Agenda item 6. Recommendations for consideration by the Permanent Forum on Indigenous Issues

3 to 4 p.m.

Agenda item 6. Recommendations (continued)

4 to 6 p.m.

Adoption of the report and closure of the Workshop

Annex III

Documentation

Draft agenda

Draft programme of work

The concept of indigenous peoples (secretariat of the Permanent Forum on Indigenous Issues)

The importance of statistics on indigenous peoples for policy formulation at national and international levels (Ethel Alderete, Indigenous Centre for Social and Academic Action, Universidad Nacional de Jujuy, Argentina)

Russian experience in ethnic statistics of indigenous small-numbered peoples of the north (Valeri Stepanov, Institute of Ethnology and Anthropology of the Russian Academy of Sciences)

Stakeholders in data production and usage (Torunn Petersen, Nordic Saami Institute, Norway)

Paper on data collection and disaggregation on indigenous peoples (Office of the United Nations High Commissioner for Human Rights)

The first nations longitudinal regional health survey (First Nations and Inuit Regional Longitudinal Health Survey)

An Australian perspective (Margaret Walter, University of Tasmania, Australia)

Iniciativa salud de los pueblos indigenas (Pan-American Health Organization)

World Bank contribution

Sistema de indicadores de las nacionalidades y pueblos (Jorge Condor, Sistema de Información de Estadistica de las Nacionalidades y Pueblos del Ecuador)

Issues and challenges (Department of Economic and Social Affairs/Statistics Division)

Perspective of information received and collected within the context of the International Labour Organization

La poblacion indigena a traves de los censos Mexicanos (Enrique Serrano, Comisión Nacional para el Desarrollo de los Pueblos Indígenas)

Collection and disaggregation of data concerning America's indigenous people: 2000 (Claudette Bennett, Bureau of the Census, United States of America)

Household surveys experiences and challenges in the collection, analysis and dissemination of data on indigenous peoples (Edilberto Loaiza, United Nations Children's Fund)

Data collection and analysis for indigenous peoples in the Russian Federation (Liudmilla Eroshina, State Committee on Statistics, Russian Federation)

Annex IV

Attendance

1.	Alami, Nisreen	United Nations Development Fund for Women (UNIFEM)
2.	Banda, Jeremiah	Department of Economic and Social Affairs/ Statistics Division
3.	Beavon, Daniel J. K.	Strategic Research and Analysis Directorate, Indian and Northern Affairs (Canada)
4.	Bennett, Claudette	United States Bureau of the Census (United States of America)
5.	Cabrero, Ferran	United Nations Development Programme (UNDP)
6.	Condor, Jorge	Sistema de Informacion de Estadistica de las Nacionalidades y Pueblos del Ecuador
7.	Duhaime, Gerard	Laval University (Canada), Department of Social Sciences
8.	Eroshina, Liudmilla	State Committee on Statistics (Russian Federation)
9.	Fall, Yassine	UNIFEM
10.	Gideon, Valerie	First Nations Longitudinal Regional Health Survey (Canada)
11.	Gray, Jane	First Nations Longitudinal Regional Health Survey (Canada)
12.	Hazelwood, Margaret	World Health Organization/Pan-American Health Organization (WHO/PAHO)
13.	Kempf, Isabel	Office of the United Nations High Commissioner for Human Rights
14.	Korkeakivi, Antti	Council of Europe
15.	Kourtoum Nacro	United Nations Population Fund (UNFPA)
16.	Loaiza, Edilberto	United Nations Children's Fund (UNICEF)
17.	Nicolaisen, Ida	Member, Permanent Forum on Indigenous Issues
18.	Patrinos, Harry	World Bank
19.	Pember, Robert	International Labour Organization (ILO)
20.	Pero, Alejandra	UNDP
21.	Petersen, Torunn	Nordic Saami Institute (Norway)
22.	Rai, Navin	World Bank
23.	Rojas, Rocio	WHO/PAHO

24.	Scott, John G.	Secretariat of the Permanent Forum on Indigenous Issues
25.	Sedletzki, Vanessa	UNICEF
26.	Serrano, Enrique	Comisión Nacional para el Desarrollo de los Pueblos Indígenas (Mexico)
27.	Stamatopoulou, Elsa	Secretariat of the Permanent Forum on Indigenous Issues
28.	Stepanov, Valeri	Institute of Ethnology and Anthropology of the Russian Academy of Sciences
29.	Strogalschikova, Zinaida	Member, Permanent Forum on Indigenous Issues
30.	Swepston, Lee	ILO
31.	Tamang, Parshuram	Member, Permanent Forum on Indigenous Issues
32.	Tournier, Ceal	First Nations Longitudinal Regional Health Survey
33.	Velásquez Nimatuj, Irma	Consultant, Regional Office of UNICEF for Latin America
34.	Viteri, Carlos	Inter-American Development Bank
35.	Voyageur, Cora J.	University of Calgary (Canada)
36.	Walter, Margaret	University of Tasmania (Australia)

Annex V

Fundamental Principles of Official Statistics

Extract from the report of the Statistical Commission on its special session, held in New York from 11 to 14 April 1994[a]

59. The Commission adopted the fundamental principles of official statistics as set out in ECE decision C (47), but incorporating a revised preamble. The preamble and principles, as adopted, are set out below:

Fundamental principles of official statistics

The Statistical Commission,

Bearing in mind that official statistical information is an essential basis for development in the economic, demographic, social and environmental fields and for mutual knowledge and trade among the States and peoples of the world,

Bearing in mind that the essential trust of the public in official statistical information depends to a large extent on respect for the fundamental values and principles which are the basis of any society which seeks to understand itself and to respect the rights of its members,

Bearing in mind that the quality of official statistics, and thus the quality of the information available to the Government, the economy and the public depends largely on the cooperation of citizens, enterprises, and other respondents in providing appropriate and reliable data needed for necessary statistical compilations and on the cooperation between users and producers of statistics in order to meet users' needs,

Recalling the efforts of governmental and non-governmental organizations active in statistics to establish standards and concepts to allow comparisons among countries,

Recalling also the International Statistical Institute Declaration of Professional Ethics,

Having expressed the opinion that resolution C (47), adopted by the Economic Commission for Europe on 15 April 1992, is of universal significance,

Noting that, at its eighth session, held at Bangkok in November 1993, the Working Group of Statistical Experts, assigned by the Committee on Statistics of the Economic and Social Commission for Asia and the Pacific to examine the Fundamental Principles, had agreed in principle to the ECE version and had emphasized that those principles were applicable to all nations,

Noting also that, at its eighth session, held at Addis Ababa in March 1994, the Joint Conference of African Planners, Statisticians and Demographers, considered that the Fundamental Principles of Official Statistics are of universal significance,

Adopts the present principles of official statistics:

1. Official statistics provide an indispensable element in the information system of a democratic society, serving the Government, the economy and the public

with data about the economic, demographic, social and environmental situation. To this end, official statistics that meet the test of practical utility are to be compiled and made available on an impartial basis by official statistical agencies to honour citizens' entitlement to public information.

2. To retain trust in official statistics, the statistical agencies need to decide according to strictly professional considerations, including scientific principles and professional ethics, on the methods and procedures for the collection, processing, storage and presentation of statistical data.

3. To facilitate a correct interpretation of the data, the statistical agencies are to present information according to scientific standards on the sources, methods and procedures of the statistics.

4. The statistical agencies are entitled to comment on erroneous interpretation and misuse of statistics.

5. Data for statistical purposes may be drawn from all types of sources, be they statistical surveys or administrative records. Statistical agencies are to choose the source with regard to quality, timeliness, costs and the burden on respondents.

6. Individual data collected by statistical agencies for statistical compilation, whether they refer to natural or legal persons, are to be strictly confidential and used exclusively for statistical purposes.

7. The laws, regulations and measures under which the statistical systems operate are to be made public.

8. Coordination among statistical agencies within countries is essential to achieve consistency and efficiency in the statistical system.

9. The use by statistical agencies in each country of international concepts, classifications and methods promotes the consistency and efficiency of statistical systems at all official levels.

10. Bilateral and multilateral cooperation in statistics contributes to the improvement of systems of official statistics in all countries.

Notes

[a] *Official Records of the Economic and Social Council, 1994, Supplement No. 9* (E/1994/29), para. 59.

United Nations E/C.19/2004/3

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Item 4 (a) of the provisional agenda*

Note by the Secretariat

The Secretariat has the honour to transmit the report of the Global Forum of Indigenous Peoples and the Information Society, which was held in Geneva from 8 to 11 December 2003.

* E/C.19/2004/1.

04-24180 (E) 170304

Report of the Global Forum of Indigenous Peoples and the Information Society

Geneva, 8-11 December 2003

Summary

At its second session, in May 2003, the Permanent Forum on Indigenous Issues recommended that a world conference on indigenous peoples in the information society be organized on the occasion of the World Summit on the Information Society. The Global Forum of Indigenous Peoples and the Information Society was one of the largest official parallel events of the Summit. It was attended by representatives of six United Nations Member States (a total of 18 government departments), eight United Nations system entities and other intergovernmental bodies, 12 private-sector participants and 90 indigenous and non-governmental organizations. A total of 286 persons attended the Global Forum, which examined both potentials and obstacles to the full and effective participation of indigenous peoples in the information society. Obstacles included (but were not limited to) lack of basic community infrastructure, limited access to modern technologies and the urgent need for gender and age-sensitive capacity-building. Potentials included (but were not limited to) access to new marketplaces, increased indigenous networking (both regionally and internationally), new strategies to revitalize and pass on culture and languages, and the opportunity to fully participate in the new information and connectivity revolution facing humanity.

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PART A

INTRODUCTION

1. At its second session in May 2003, the Permanent Forum on Indigenous Issues recommended in paragraph 40 of its report that a world conference on indigenous peoples in the information society be organized on the occasion of the World Summit on the Information Society (10-12 December 2003).

2. The Permanent Forum on Indigenous Issues facilitated the Global Forum of Indigenous Peoples and the Information Society, as an official event of the World Summit on the Information Society.

3. The organization of the Global Forum was facilitated by the secretariat of the Permanent Forum on Indigenous Issues, the Aboriginal Canada Portal and the secretariat of the World Summit on the Information Society with the assistance of the Indigenous Peoples' Centre for Documentation, Research and Information (DOCIP).

4. Part B of this report contains the declaration and programme of action adopted by the Global Forum. A summary narrative of the discussions held during the Global Forum prepared by DOCIP appears on the website of the Permanent Forum on Indigenous Issues, at www.un.org/esa/socdev/pfii.

I ORGANIZATION OF WORK

Attendance

5. The Global Forum was attended by seven members of the Permanent Forum on Indigenous Issues, representatives of six Member States (a total of 18 government departments), eight United Nations entities and other intergovernmental organizations, 12 private sector participants and 90 indigenous and non-governmental organizations. A total of 286 persons attended the Global Forum of Indigenous Peoples and the Information Society. The list of participating States and organizations is contained in annex IV.

Documentation

6. The list of pre-session documents appears in annex III.

Opening of the Forum

7. At the opening ceremony of the Global Forum, participants were welcomed by H.E. Mr. Robert Hensler, Chancellor of State for the Republic and Canton of Geneva; H.E. Mr. Laurent Walpen, Special Assistant of the Chancellor, H.E. Mr. Christian Ferrazino, Mayor of the City of Geneva; Mr. Ole Henrik Magga, Chairperson of the Permanent Forum on Indigenous Issues; Mr. Alain Clerc, Director of the Division for Civil Society of the World Summit on the Information Society, and Ms. Meliea Sui Lin Nobreya

(Indigenous Youth Representative from Hawaii). Cultural Performers included Mr. Robert Borrero (representative of the indigenous Taino people of Puerto Rico) as the Master of Ceremonies, the Samoan Dance Troupe (supported by the Samoan Government), and Mr. Cameron McCarthy (representative of theYalanji people, Aboriginal people of Australia).

Election of officers

8. The Bureau of the Permanent Forum on Indigenous Issues acted as the Bureau of the Global Forum and Mr. Ole Henrik Magga was the Chairperson of the Global Forum. The other members of the Bureau were Mr. Antonio Jacanamijoy Tisoy, Mr. Wilton Littlechild, Mr. Parshuram Tamang, and Ms. Mililani Trask (as Vice-Chairpersons). Ms. Njuma Ekundanayo, one of the Permanent Forum Bureau members was unable to attend. Permanent Forum Member, Mr. Ayitegan Kouevi agreed to assist the Bureau.

Adoption of the agenda and programme of work

9. At its first meeting, the Global Forum adopted its agenda (see annex I) and programme of work (see annex II) at the opening plenary, 8 December 2003.

10. At the opening plenary of the Global Forum, an open-ended Drafting Committee was established, which was facilitated by two indigenous co-conveners, Ms. Ivy Nomolungelo Goduka and Mr. Jose Carlos Morales. The Drafting Committee prepared the outcome documents, which were subsequently discussed and adopted by the Global Forum at the final plenary on 11 December 2003.

Adoption of the report

11. On 11 December, the Global Forum of Indigenous Peoples and the Information Society adopted a declaration and a programme of action. These documents appear in part B of this report.

Closure of the Forum

12. On 11 December 2003, the Global Forum adopted the Declaration and Programme of Action of the Global Forum of Indigenous Peoples and the Information Society. At the request of participants of the Latin American Indigenous Caucus, the Declaration of the Indigenous Peoples of Latin America to the World Summit on the Information Society appears as annex V.

13. A cultural event, featuring cultural performers from Australia, Puerto Rico, Samoa and the Russian Federation closed the Global Forum of Indigenous Peoples and the Information Society.

PART B

DECLARATION AND PROGRAMME OF ACTION OF THE GLOBAL FORUM OF INDIGENOUS PEOPLES AND THE INFORMATION SOCIETY

The Geneva Declaration

Introduction

1. We, representatives of Indigenous peoples, nations and tribes of the world, assembled in Geneva from 8-11 December 2003 for the Global Forum of Indigenous Peoples and the Information Society. The Global Forum is an official meeting for the first phase of the World Summit on the Information Society and is facilitated by the Permanent Forum on Indigenous Issues.

2. As the representatives of Indigenous peoples, nations and tribes, and recognizing the full diversity of Indigenous peoples, who live in both, urban, rural and remote settings, we declare the following fundamental principles for building the information society that is inclusive of our cultural diversity and indigenous information communications styles and respects our rights in forming partnerships in action. All the following statements apply to Indigenous peoples, nations and tribes, our Elders, women, men, youth and children, in order that States abide by and respect them.

3. The Information Society is the result of a global revolution in the fields of economics, technology and social development. Its primary aspects are knowledge, information, communication and access to services and products. These elements of the Information Society, by their very nature are reflective of the political and economic status of the dominant society. This global revolution has had and continues to have a profound and deep impact on the cultures and communities of the world's Indigenous peoples, nations and tribes, most of whom continue to live in extreme poverty without basic provision for food, water, shelter, electricity and other basic infrastructure.

4. At the heart of our vision of the Information Society is respect for the dignity and human rights of Indigenous peoples, nations and tribes, which must be affirmed, if the economic, information and digital divide which separates technology rich nations and the private sector from the most marginalized peoples in society, including Indigenous peoples, nations and tribes, is to be bridged.

5. In this context, Information and Communication Technology (ICT) should be used to support and encourage cultural diversity and to preserve and promote indigenous languages, distinct identities and traditional knowledge of Indigenous peoples, nations and tribes in a manner which they determine best advances these goals. The evolution

of information and communication societies must be founded on the respect and promotion of the rights of Indigenous peoples, nations and tribes and our distinctive and diverse cultures, as outlined in international conventions. We have fundamental and collective rights to protect, preserve and strengthen our own languages, cultures and identities.

6. The prerequisite for the inclusion of Indigenous peoples, nations and tribes in the Information Society is the provision of adequate infrastructure in States for tele-communications, radio, television, the internet and ICT providers, with the free, prior and informed consent of Indigenous peoples, nations and tribes concerned. This requires access to basic community infrastructure such as electricity and energy sources. It is the desire of Indigenous peoples, nations and tribes that the provision of infrastructure and energy be achieved in sustainable ways and the use of alternative technologies be investigated to ensure the environment is protected. States should take immediate action to address the needs of all Indigenous peoples, nations and tribes in their countries and should support developing nations and countries in transition, in their effort to provide ICT infrastructure.

7. Some Indigenous peoples, nations and tribes have made strides in bridging the information divide with the assistance of States and private sector support and financial subsidies. Our achievements demonstrate that equitable partnerships between Indigenous peoples, nations and tribes and others can be attained. These indigenous approaches and programs are resources, which can be transmitted to others through indigenous to indigenous training projects in order to meet the need of the vast majority of Indigenous peoples, nations and tribes, who have a critical need for culturally appropriate capacity building programmes. Capacity building programmes should begin at the grassroots level and should ensure gender equity.

Human Rights

8. We declare that our participation in building and implementing the information society must be based on our right to self-determination, and honour and respect of the spirit and intent of treaties. Towards this end, we ask that States consider the rapid adoption of the Draft Declaration on the Rights of Indigenous Peoples, which we regard as minimal standards for the achievement of equity and social justice.

9. We declare that the protection and preservation of our indigenous languages and development of our traditional knowledge cannot be separated from our right to maintain and strengthen our distinctive spiritual and material relationship with our lands, territories, resources, air, inland waters and coastal seas. Access to ICT should not replace indigenous/traditional ways of knowing. Indigenous peoples, nations and tribes have a right and cultural obligation to preserve and transmit

our ways of life, which includes our ways of knowing, to younger generations.

10. We declare that our cultural protocols, traditions, customary law and nature's law, especially concerning sacred and/or secret information and knowledge, must be respected. Arrangements for equitable benefit sharing must be based on our free, prior and informed consent.

11. We declare our desire to work collectively with others in the Information Society to create an ethical code and standards for best practices, which will be inclusive of our cultural values.

Education and Culture

12. We have the right to fully access and participate in decision-making processes (at all levels) concerning State Education (and the use of modern technologies). We also have the right to establish and control our own education systems based on our cultural methods, in our own languages and to plan and control our ICT application, as we see fit. We have the right to establish and control ICT training and application in indigenous educational systems, based on our own cultural methods of teaching and learning (of wisdom and cultural knowledge), in our own languages. We need to be key members and an integral part of the ICT capacity building for our communities.

13. We call on States, civil society and the private sector to partner with Indigenous peoples, nations and tribes, to provide the needed resources for the development and implementation of "indigenous-to-indigenous" training projects, including "elders-and-youth" initiatives. This process will allow for the building of local capacity and expertise, and for programs that will be self sustaining.

14. We are entitled to culturally appropriate forms of distance learning as a complement to our methods of oral, personal, and intergenerational learning, that are an integral part of indigenous learning and the transmission of language and culture.

15. To ensure equitable access to the Global Information Society, we need to develop our own approaches in the utilization of ICT that can be adapted to our own patterns and protocols of communication.

16. We are entitled to education and capacity building methods that are rooted in our languages, cultures and traditional knowledge and that are fundamental in validating and affirming indigenous self-esteem and identity.

17. To promote mechanisms that enable Indigenous peoples to realize culturally adaptive applications to the ICT, best practices and technology need to be shared among various Indigenous peoples, nations and tribes. In order to do so, regional, national and international meetings and workshops have to be held to exchange information about

educational projects between indigenous individuals, groups and peoples.

Social and Economic Development

18. We have the right to determine and develop priorities and strategies for exercising our right to development. All development measures including those relating to the implementation of the Information Society, must be controlled by the Indigenous peoples, nations and tribes concerned and carried out in equal partnership with them. Participation, negotiation, and free, prior and informed consent of Indigenous peoples, nations and tribes must be recognized as key elements of any development process.

19. We have the right to establish and control our own Information Communication and Technology (ICT), further developing our fundamental right to social and economic progress.

20. We have the right to participate in all manner of media and Information Communication Technology in mainstream ICT systems, nationally and internationally, in order to further strengthen our social and economic development strategies.

21. We have the right to appropriate capacity-building and support in developing a sound financial base, in order to keep up with technological developments and to build partnerships and networks.

Health

22. Technology can assist in meeting our dire need for primary health care. It is a vehicle to success in achieving the Millennium Development Goals relating to infant mortality and maternal health care. Technology can also support preventative health education and through Tel-med applications, provide services over vast geographic distances. Information technology should be used to promote and protect our traditional healing practices as well as to improve our access to mainstream health services. This potential can only be realized through collective efforts and equitable partnerships between Indigenous peoples, nations and tribes, States, civil society and the private sector. This is considered a high priority.

Indigenous Cultural Property (includes Traditional Knowledge and Indigenous Intellectual Property and the Media)

23. We are the owners and guardians of the Traditional Ancestral Knowledge of our cultures that have been transmitted through aeons by our oral traditions and ceremonial cultural practices. Existing intellectual property regimes that favour individual property rights

within the public domain are insufficient for the protection of indigenous intellectual property, which is the collective inheritance of Indigenous peoples, nations and tribes and the legacy of future generations.

24. Indigenous peoples, nations and tribes have the right to both fully explore existing legal regimes and to develop *sui generis* legal systems, in order to safeguard traditional knowledge and to ensure protection of sacred and/or secret content. This right encompasses the wealth of traditional knowledge, including but not limited to ethno-botanical and genetic applications of traditional knowledge and traditional knowledge systems relating to medicinal and agricultural practices.

25. An indigenous media agency should be established, in cooperation with relevant United Nations organizations, to advise on legal protection and dissemination of information on indigenous political, cultural and economic situations; and stories, articles, videos, images, and products of indigenous peoples, nations and tribes, utilized for commercial purposes, through all forms of media, including print. Furthermore, relevant United Nations agencies, coordinated by the Permanent Forum of Indigenous Issues, should in cooperation with Indigenous peoples, nations and tribes, elaborate a code of ethics regarding mainstream media researching or reporting on indigenous communities.

26. An internationally recognized indigenous products symbol should be encouraged and supported by States, in order to protect Indigenous peoples' intellectual property, for all ICT innovations belonging to Indigenous peoples, nations and tribes, either individually or collectively.

27. The United Nations and Member States should promote mechanisms to ensure the effective protection of the collective knowledge, innovations, and practice of Indigenous peoples, nations and tribes, linked to cultural and biological diversity.

Environment

28. The environment is a concern for us all. ICTs, including radio and video, provide excellent opportunities to showcase and educate about the natural beauty and diversity in which we live and can further our efforts to protect our lands and territories. Indigenous peoples are interested in producing multi-media education materials to assist in environmental education.

29. Indigenous and non-Indigenous peoples, nations and tribes share the responsibility of protecting the environment and to live in sustainable ways. ICTs should be used to promote sustainable forms of living for the benefit of our whole planet.

30. There should be no construction of ICT equipment on Indigenous territories without the free, prior and informed consent of the indigenous peoples.

31. Environmental and cultural impact assessments on indigenous territories (lands, waterways, airspace, seas and oceans) must be carried out with the effective participation of the indigenous people/s before any ITC construction takes place.

32. ICT construction, whether on lands, waterways, airspace or in the oceans, should not proceed if there are concerns of negative environmental or cultural impacts.

Our Road to Tunis

33. To assure the meaningful participation of Indigenous peoples, nations and tribes in Tunis in 2005 and in all preparatory conferences leading up to Tunis, the following recommendations need to be implemented:

    a. The Tunis Global Forum of Indigenous Peoples and the Information Society (GFIPIS) should be convened at the same site of the Tunis WSIS and should precede the WSIS by four (4) days. Registrations for the GFIPIS should include access to WSIS.

    b. Indigenous members of the Permanent Forum on Indigenous Issues, in coordination with regional indigenous organizations, should be included during 2004 and 2005, in the planning process of the Tunis WSIS.

    c. Travel and per diem grants for lodging and support for Indigenous peoples, nations and tribes should be funded by States and private sector and provided within sufficient time to allow for proper planning and participation. Contributions should be sent to the Permanent Forum, which should ensure equal allocation among the indigenous regions taking into account gender, age and geographic equity.

    d. A broad based effort should be made to inform Indigenous peoples, nations and tribes about the dates, location and all relevant matters of the Tunis regional preparatory conferences in early 2004. Email announcements should also be distributed to all participants of the annual sessions of the Permanent Forum on Indigenous Issues.

<u>The Geneva Programme of Action</u>

Following are suggested courses of action to improve indigenous connectivity and equitable access to the new information society, on the Road to Tunis in 2005.

Economic and Social Development:

Indigenous peoples are interested in building partnerships with other indigenous peoples, States, the international system (including financial bodies), and the private sector to:

1. Ensure regular and sustained support for isolated indigenous communities, so they can maintain connectivity.
2. Build partnerships that are crucial for the establishment and sustainability of community connectivity, especially through funding/resourcing and training.
3. Promote cooperation among those who have access to new technologies and those who do not.
4. Ensure that Indigenous peoples who have access to new technologies can share their skills in such areas as advertising (for trade of indigenous communities) with those who do not.
5. Ensure ICTs are made available to communities on the basis of equity and are accessible to all.
6. Recognize the potential of the Internet for indigenous peoples to promote their own culture and history beyond economic profit.
7. Explore possibility for an indigenous satellite.
8. Assist Indigenous communities to explore and develop technologies themselves.
9. Explore e-commerce applications, which are very important for indigenous enterprises, in assisting them to develop needs analysis, business plans, and partnerships and to plan how to sustain their e-commerce projects.
10. Establish a worldwide indigenous association of indigenous organizations and businesses that have made the leap to connectivity, so that they can assist and make this technology available to indigenous communities who are not yet connected.
11. Raise awareness about the necessity of satellites to accomplish any form of communication in remote areas.
12. Promote radio/wireless as cheaper and better strategies for small communities.
13. Raise awareness of appropriate technologies for the local situation and such issues as the use of landlines, which maybe very expensive but may work better in large communities.
14. Fund capacity building in communication projects for indigenous communities, prioritizing access by youth, women and Elders.
15. Promote access to information by Indigenous women and indigenous youth and projects for capacity building.

16. Assist indigenous peoples to decide what ICTs they need and to assess what (formal) education is needed to have access to the knowledge of this new technology.

17. Develop computer software in indigenous languages that allow indigenous peoples to write in their own languages and to expand the use of computers in communities where indigenous languages are still in common use.

18. Properly resource indigenous peoples to allow their full participation in the information society.

Culture and Education

Indigenous peoples are interested in building partnerships with other Indigenous peoples, States, the international system (including financial bodies), and the private sector to:

19. Assist indigenous media in transmitting information (through print, audio and video) without excessive cost.

20. Adapt information technologies to the needs of indigenous communities.

21. Assist indigenous peoples to publicize their realities, recognizing that indigenous peoples should decide what should be published and what should not.

22. Develop and promote ICT projects that motivate all young learners (including indigenous youth) to understand other cultures and also to take part in the preservation of their own cultures.

23. Promote education and capacity building about information technology to ensure that indigenous peoples can utilize it effectively and appropriately.

24. Ensure that relevant United Nations bodies including the Permanent Forum on Indigenous Issues, OHCHR, WIPO, and UNESCO should work together on these issues to ensure that these issues (that are cross-cutting) are adequately addressed, recognizing that no single United Nations body has a mandate that allows for the comprehensive addressing of these issues. Such a partnership should encourage complimentary in addressing these issues.

25. Produce a secure database portal of Indigenous languages written and oral.

26. Create educational programs, where indigenous students can be trained to improve their technical skills.

27. Assist indigenous peoples to develop our own strategies of communications.

Environment

Indigenous peoples are interested in building partnerships with other indigenous peoples, States, the international system (including financial bodies), and the private sector to:

28. Ensure that ICTs, including satellite dishes, are not placed on indigenous lands or territories unless the free, prior and informed consent of the Indigenous peoples of those territories have been secured.

29. Establish procedures concerning the placement of ICT equipment on Indigenous peoples' lands that require widespread advertisement and notification, to ensure that the Indigenous Peoples belonging to those territories are fully informed and that their free and prior informed consent is obtained prior to any work commencing.

30. Ensure that indigenous peoples fully participate in environmental and cultural impact assessments on their indigenous territories (lands, waterways, airspace, seas and oceans) before any ITC construction takes place and that construction relating to ICTs whether on land or in the seas should not be undertaken where there is a negative environmental or cultural impact.

Health

Indigenous peoples are interested in building partnerships with other indigenous peoples, States, the international system, including financial bodies, and the private sector to:

31. Develop and implement indigenous specific health strategies at both community-level, regional, national and international levels.

32. Ensure that high-tech health care enhances and build on traditional ways of healing.

33. Allow indigenous peoples, through their indigenous evolutionary processes, to find their own uses for modern technologies, through capacity building and learning about its potential.

34. Work with indigenous communities, to assist them in identifying what improvements are needed firstly in their health care, before they can identify how technology can help in other areas.

35. Recognizing the under-resourcing of indigenous health in many countries ensures that moneys saved through high tech health delivery are redirected back into other indigenous health areas.

Human Rights

Indigenous peoples are interested in building partnerships with other indigenous peoples, States, the international system, including financial bodies, and the private sector to:

36. Acknowledge that this Global Forum of Indigenous Peoples and the Information Society - Programme of Action is built on the previous precedents of World Conferences, noting the unqualified use of the term indigenous peoples in the Johannesburg Declaration and the relevant recommendations made at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

37. Recognize that Indigenous peoples were identified as vulnerable groups by the World Conference against Racism, Racial Discrimination Xenophobia and Related Intolerance, and as peoples, suffer multiple forms of discrimination. In particular, indigenous women are at the intersectionality of race and gender discrimination. Therefore, particular attention should be given to the negative uses of modern technologies in promoting and proliferating racial hatred, discrimination, gender bias and stereotyping. As the World Conference recommended, special measures should be adopted to address discrimination against indigenous peoples.

38. Develop special measures to include marginalized segments of society including Indigenous peoples, and to ensure that they are not further marginalized by the information society.

39. Ensure that the right to freedom of speech is exercised within the boundaries of the right of non-discrimination.

40. Develop a code of conduct for the use of the information society, encouraging respect and promotion of cultural diversity.

Traditional Knowledge

Indigenous peoples are interested in building partnerships with other indigenous peoples, States, the international system, including financial bodies, and the private sector to:

41. Ensure that international organizations, including WIPO and other bodies, dealing with issues of relevance to Indigenous peoples and the information society, develop effective participation mechanisms to allow full and effective participation of indigenous peoples, including travel grants for regional representatives to participate in relevant meetings.

42. Assist Indigenous Peoples in exploring *sui generis* legislation to protect their collective intellectual property rights.

43. Raise awareness with UNESCO that it needs to consider more effective protection mechanisms for cultural heritage.

44. Promote the theme of Traditional Knowledge protection with the Permanent Forum on Indigenous Issues as the special theme for its 2005 session.

Geneva Programme of Action – Obstacles and challenges

The main obstacles and challenges facing indigenous peoples' equitable access and participation in the information society are identified as the following:

1. Remoteness - Indigenous communities in remote rural areas experience more difficulty with connectivity. The dispersals of some indigenous groups to various locations in large geographical areas prevent them from receiving ICT training and maintaining their cultural cohesion.

2. Poverty - The poverty of some indigenous communities even in developed countries reduces their access to the Internet.

3. Fear of change and cultural impact - Some indigenous people are sceptical and afraid about the possible impact of the Internet on their communities, cultures and traditional knowledge.

4. New marketing strategies required - The issue of marketing in e-commerce is a challenge for indigenous enterprises.

5. Training - Training is expensive and it is hard to find funding and matching funds for the provision of infrastructure.

6. The broader context of Cultural Erosion - Some indigenous peoples stated that is was hard to think about new technologies when they were the ongoing victims of cultural erosion.

7. Lack of computer software in indigenous languages - was a barrier to further use of computers in many communities.

8. Low levels of literacy - Indigenous participants identified low levels of literacy in indigenous languages, the national lingua-franca and in English (the computer language), as barriers to computer literacy and expanded use of computers in indigenous communities. This was largely the result of the oral nature of indigenous cultures and poor access and participation in formal education systems.

9. Unsustainable projects and reliance on outside funding mechanisms - Projects in some indigenous communities from South and Central America are not sustainable and they have to depend on external funds (international NGOs, governments and others).

10. Lack of suitable research in specific areas - There are no methodologies that adequately represent unique indigenous writing systems.

11. Technology as a challenge for indigenous cultures – Modern technologies do not always adapt to the realities of indigenous communities. There is a fear that in the information society, all must conform to one model. It is a challenge for Indigenous peoples to learn to use new technologies, while at the same time holding on to and restoring their traditional systems.

12. The cost of ICTs and the lack of resources - in indigenous communities constitute a major obstacle.

13. Keeping up with fast paced changes - Indigenous peoples in both developed and developing countries often have outdated hardware and software.

14. Gender equity and the information society - The voices of men are the only voices that people hear and the women's voices can be excluded. Attention to the full and effective participation of Indigenous women is vital.

15. Media control and usage - Media is disseminating wrong information about indigenous peoples, specially using indigenous women as sexual objects for advertisement. Indigenous peoples want more control over information that is distributed about them.

16. Lack of basic community infrastructure – It is difficult for indigenous peoples to consider new technologies and the future when they face, on a daily level, the lack of basic community infrastructure in areas such as water, sanitation and sealed roads.

Annex I

AGENDA

1. **Election of Officers.**
2. **Adoption of the agenda and organization of work.**
3. **Mandated areas:**
   - **(a) Economic and Social Development:**
     - (i) On-line Trading and E-Commerce;
   - **(b) Environment:**
     - (i) Traditional territory (land and waters) management and modern technologies for sustainable human development;
     - (ii) Environmental impacts of high technology;
     - (iii) Indigenous Peoples' Territorial based development and ICT.
   - **(c) Culture:**
     - (i) Indigenous culture online including histories/herstories;
     - (ii) Traditional indigenous styles and ways of communication and the implications for modern technologies;
     - (iii) Issues of traditional knowledge, indigenous intellectual property, and modern technologies.
   - **(d) Education:**
     - (i) E-Education and E-Learning;
     - (ii) Private Sector Panel.
   - **(e) Health:**
     - (i) E-Health (High-tech health on-line);
   - **(f) Human Rights:**
     - (i) E-Rights and E-Ethics;
     - (ii) Cyber-activism and use of modern technologies (i.e. reconciliation movements, political lobbying and public education);
     - (iii) Cyber-hatred, racism, discrimination and the internet.
4. **Cross-cutting issues:**
   - (a) Indigenous Stakeholder Partnership Portals;

(b) Obstacles to information communication technologies including access, participation and community infrastructure;

(c) Potentials of modern technologies and the information society;

(d) IT skills and capacity building;

(e) Peace-building and modern technologies;

(f) Indigenous gender perspectives and the information society;

(g) Indigenous generational perspectives and the information society;

(h) "The Road to Tunisia 2005" – a GFIPIS Programme of Action;

(i) WSIS/GFIPIS response to WSIS Declaration and Action Plan.

5. **Adoption of the declaration and programme of action.**

6. **Closure of meeting.**

Annex II

PROGRAMME OF WORK
featuring meetings held and the participants who served as panellists, chairpersons or rapporteurs

Date/time		*Agenda item*	*Presenters, Chairpersons, and Rapporteurs*
Monday, **8 December 2003** Morning (10.00 a.m.-1 p.m.)			
		Plenary Opening of the Global Forum of Indigenous Peoples and the Information Society	H.E. Mr. Robert Hensler, Chancellor of State for the Canton of Geneva and H.E. Mr. Laurent Walpen, Special Assistant; H.E. Mr. Christian Ferrazino, Mayor of the City of Geneva; Mr. Ole Henrik Magga, Chairperson of UNPFII; Mr. Alain Clerc, Executive Director Division for Civil Society Secretariat of the WSIS Ms. (Gina) Maliea Sui Lin Nobrega, Indigenous Youth Representative, Hawaii.
	Item 1	Election of officers.	Mr. Ole-Henrik Magga
	Item 2	Adoption of the agenda and organization of work	Mr. Ole-Henrik Magga
	Item 3	Opening Plenary continues with the High-level panel, followed by an interactive discussion. The mandate of the UN Permanent Forum on Indigenous Issues provides the global structure of the meeting:	Mr. Nilo Cayuquero, Co-Director, Abya Yala Nexus; Ms. Ann-Kristin Hakansson, Indigenous Media Network; Mr. Ian MacArthur, National

Date/time		*Agenda item*	*Presenters, Chairpersons, and Rapporteurs*
		(a) Economic and Social Development; (b) Environment; (c) Culture; (d) Education; (e) Health and (f) Human Rights and (g) Cross-cutting Issues; and the Information Society.	**Aboriginal Canadian Portal; Ms. Anna Molley, Donna Cona - Aboriginal private company.**
Afternoon (3.00 p.m. – 6.00 p.m.)	Item 3	2 Workshops on 3 (a) and 3(b):	
		(a) Economic and Social Development: (i) On-line Trading and E-Commerce;	**Grand Chief Joseph Norton, Kahanwake Mohauk Council; Ms. Veronica Vinge, Council for the Advancement of National Development; Ms. France Beauvais, National Aboriginal Canadian Portal; Chairperson: Mr. Tony Belcourt, Mettis National Council; Rapporteur: Ms. Judy Sparrow, USA Department of Commerce.**
		(b) Environment: (i) Traditional territory (land and waters) management and modern technologies for sustainable human development; (ii) Environmental impacts of high technology	**Mr. David Laughing Horse Robinson, California State University, Bakersfield; Mr. Shawn Burns, ICT Development Group; Mr. Luis Lawrence, Hamatla Treaty Society; Chairpersons: Mr. Ruben Ortiz, Consejo Maya; Ms. (Gina) Maliea Sui Lin Nobrega, University of Hawaii; Rapporteur: Mr. Cham Toik, Mon Unity League.**
		(c) Indigenous Peoples, Territorial based development and ICT: Challenges and Opportunities	**Ms. Shirley Adamson, Ms. Sabet Biscaye, Mr. Roy Dahl, Mr. Ole-Isak Mienna, Circle of Artic Circumpolar**

Date/time	*Agenda item*	*Presenters, Chairpersons, and Rapporteurs*
		Indigenous Communications; Grand Chief Joseph Norton, Kahanwake Mohawk Council; Chairperson: Mr. Ole-Henrik Magga, UNPFII; Rapporteur: Mr. John Scott UNSPFII.
Tuesday, 9 December 2003 **Morning** **(10.00 a.m. - 1.00 p.m.)**		
	Item 3	3 Workshops on 3(c)(i) and 3(c)(i) and 3(c)(iii) – These workshops may be combined and held in the Plenary Room:
		(c) Culture:
		(i) Indigenous culture on-line including histories/herstories; or
		Mr. Ted Enlow, Cherokee Nation; Mr. Teanau Tuiono, CWA New Media; Mr. Ted Bairstow – Chief; Mr. William Cramners and Mr. Simon Robinson, First Peoples' Cultural Foundation; Mr. Michael Cochran, SIL International; Chairperson: Ms. Carol Geddes, Member of Teslin Tlingit Council; Rapporteur: Ms. Anne-Marie Millner, Canadian Culture On-line.
		(ii) Traditional indigenous styles and ways of communication and the implications for modern technologies; or
		Mr. Naja Paulsen, Circle Of Artic Circumpolar Indigenous Communications; Mr. Nils Johan Hetta, Sami Broadcasting; Mr. Juan Carlos Schutze, Regional Support Programme for Indigenous Peoples of the Amazon Basin; Mr. Marcos Terena, Comité

Date/time		*Agenda item*	*Presenters, Chairpersons, and Rapporteurs*
			Intertribal "Memoria y Ciencia"; Chairpersons: Ms. Stella Tamang and Mr. Nolasco Mamani; Rapporteur: Ms. Martha Llanos.
		(iii) Issues of traditional knowledge, indigenous intellectual property and modern technologies	Mr. Antony Taubman, Head, Traditional Knowledge (Global IP Issues) Division WIPO; Ms. Violet Ford, Inuit Circumpolar Conference; Ms. Herminia Minnie Degawan, indigenous representative from the Philippines; Mr. Marcos Terena, Comité Intertribal "Memoria y Ciencia", Brasil; Chairperson: Ms. Irene Fredericks, Praire land Communication System Inc.; Rapporteur: Mr. John Scott, UNSPFII.
Afternoon **(3.00 p.m. – 6.00 p.m.)**			
	Item 3	3 Workshops on 3(d)(i) and (ii); 3(e)(i); **(d) Education**: (i) E-Education and E-Learning	Mr. Christine Dubois - Ted Cadwallader, Human Resource Development Canada; Ms. Marleny Tzicap, Enlace Quiche ; Ms. Gina Maliea Sui Lin – Lilian Sepe Segal – Ms. Rosemarie K. O'Brien, University of Hawaii; Mr. Gunnar Mandt and Mr. Sverre O. Johansen, Norwegian Ministry of Education and Research; Mr. Teanau Tuiono, CWA New Media, New Zealand;

Date/time	*Agenda item*	*Presenters, Chairpersons, and Rapporteurs*
		Mr. Max Lenoy, Indigenous Educator, Australia; Chairperson: Mr. Tonny Belcourt, Mettis Nation; Rapporteurs: Ms. Karen Flick, and Mr. Pascal Richard, IWGIA.
	(ii) Private Sector Panel	Mr. Humbert M. Janssen, Telesat, Canada; Mr. Mark German, Donna Conna, Canada; Mr. Pedro Tinoco, Fundación Cisneros, Venezuela; Mr. Leonid Gonin, Association Udmurt Kenesh, Russia.
	(e) Health:	Mr. Heith Conn and Mr. Ernie Dal Grande, Health Canada;
	(i) E-Health (high-tech health)	Mr. Steven Fox-Radulovich, United Chief and Councils of Manitoulin M'Chigeeng First Nation; Chairperson: Ms. Judy Whiteduck; Rapporteur: Mr. John Scott, UNSPFII.
Wednesday, 10 December 2003	**INTERNATIONAL HUMAN RIGHTS DAY**	
Morning (10.00 a.m. - 1.00 p.m.)	**Plenary Room**	
Item 3	1 combined Workshop on 3 (f) will be held in the Plenary Room.	
	(f) Human Rights	Ms. Gloria Nwabuogu, Anti-Discrimination Unit – OHCHR;
	(i) E-Rights and E-Ethics;	Mr. Tony Belcourt, Metis National Council;

Date/time		*Agenda item*	*Presenters, Chairpersons, and Rapporteurs*
		(ii) Cyber-activism and the use of modern technologies (i.e. reconciliation movements, political lobbying and public education on indigenous issues); (iii) Cyber-hatred, racism, discrimination and the internet.	Ms. Francesca Thornberry and Mr. Finn Andersen, ILO; Mr. Jody Thompson and Mr. John Grant Thomas, Congress of Aboriginal People; Mr. David Laughing Horse Robinson, California State University; Mr. Rubén Ortiz, Consejo Maya; Chairperson and Rapporteur: Mr. John Scott, UNSPFII.
		2 Additional Workshops 4 (h) "The Road to Tunisia 2005" – GFIPID Programme of Action; 4 (i) WSIS/GFIPIS response to WSIS Declaration and Action Plan.	Mr. Donald Abelson, Federal Communications Commission; Mr. John Sinclair, Indian and Northern Affairs Canada; Mr. Peter Huta, Community Connectivity Access & International Branch National Office for the Information Economy, Australia.
Wednesday, 10 December 2003 Afternoon (3.00 p.m. – 6.00 p.m.)	Item 4	2 workshops on 4 (a) and 4 (b, c, d, e, f and g):	
		4. Cross-cutting issues **(a) Indigenous Stakeholder partnership portals** (b) Obstacles to information communication technologies including access, participation and community infrastructure;	Mr. Todd Enlow, Cherokee Nation; Ms. Mary Carman, Associate Assistant Deputy Minister, Indian and Northern Affairs Canada and Industry Canada; Spectrum Information Technologies and Telecomunications; Ms. Karen Flick, Aboriginal Australian, Indigenous Telecomunication Section, DCITA, Australia;

Date/time	*Agenda item*	*Presenters, Chairpersons, and Rapporteurs*
		Mr. Cham Toik, Mon Unity League; Mr. Pedro Tinoco, Fundación Cisneros, Venezuela; Ms. Sue Connolly, Aboriginal Australian, Cape York Digital Network; Ms. Zinaida Kalte and Ms. Marina Zarubalova, indigenous peoples of the Russian Federation; Chairperson and Rapporteur: Ms. Elissavet Stamatopoulou, UNSPFII.
	(c) Potentials of modern technologies and the information society; (d) IT skills and capacity building; (e) Peace-building and modern technologies; (f) Indigenous gender perspectives and the information society; (g) Indigenous generational perspectives and the information society.	Mr. Ian MacArthur, Aboriginal Canada Portal; Mr. Peter Huta, Director of Australia National Office of the Information Economy; Ms. Judy Sparrow, US Department of Commerce and the Cherokee Nation; Mr. Luis Barnola, Institute for Connectivity in the Americas (Canada); Mr. Jorge Uquillas, The Global Fund for Indigenous Peoples, World Bank; Ms. Anne Deruyttere and Mr. Maximilian Spiess, Inter-American Development Bank; Chairperson and Rapporteur: Mr. John Scott, UNSPFII. Ms. Maria Eugenia Choque, Centro de estudios Disciplinarios Aymaras ; Ms. Stella Tamang, Asian Indigenous Women Fund; Mr. John Sinclair, Indian and Norther Affairs. Canada. Ms. Delia Quilumbaqui, Proyecto de Desarrollo para

Date/time		*Agenda item*	*Presenters, Chairpersons, and Rapporteurs*
			los Pueblos Indigenas y Negros del Ecuador ; Chairperson: Ms. Minnie Degawan, Indigenous representative, Philippines; Rapporteur: Mr. Brian Phillips, Canadian International Development Agency.
Thursday, 11 December 2003 Morning (10.00 a.m.- 1.00 p.m.)		**Plenary**	
	Item 3		Mr. José Carlos Morales and Ms. Ivy Nomolungelo Goduka, Co-Conveners of the GFIPIS Drafting Committee Chairperson: Mr. Ole-Henrik Magga, UNPFII; Vice-Chairpersons: Mr. Parshuram Tamang and Mr. Antonio Jacanamijoy, UNPFII.
	Item 5	Adoption of the Outcomes Document/s.	Mr. Ole Henrik Magga.
	Item 6	Closure of Meeting.	Mr. Ole Henrik Magga.
Afternoon (2.00 p.m. – 6.00 p.m.) **Please note 2.00 p.m. start.**		**EXHIBITION AFTERNOON AT PALEXPO CENTRE** Displays and exhibitions of traditional and contemporary forms of indigenous communication/s, mass media, the information society and high technologies. Indigenous Cultural Event Presentation of the outcomes documents of the Global Forum	Cultural performers included; Mr. Roberto Borrerro, Mr. Cameron McCathy, Mr. Anotoli Gogolev and the Offical Samoan Dance Group.

Date/time	*Agenda item*	*Presenters, Chairpersons, and Rapporteurs*
Friday, 12 December 2003	**Presentations to World Summit for the Information Society**	
Morning (10 a.m.-1 p.m.)	1.00 p.m. Presentation to the WSIS of GFIPIS Outcomes.	Ms. Mililani Trask, Vice-Chairperson of the UNPFII
Afternoon (3.00 p.m. – 4.30 p.m.)	Close of World Summit on the Information Society and presentation of the GFIPIS Declaration and Programme of Action.	Mr. Ole Henrik Magga Chairperson of the UNPFII

Annex III

LIST OF DOCUMENTS

The following documents were prepared for the Global Forum of Indigenous Peoples and the Information Society:

1. Provisional Agenda of the Global Forum of Indigenous Peoples and the Information Society;
2. Provisional Programme of Work for the Global Forum of Indigenous Peoples and the Information Society;
3. Independent Expert Paper by Permanent Forum Member, Mr. Marcos Matias Alonzo, "Indigenous Peoples and the Information Society";
4. General Information for Participants Note, prepared by the Aboriginal Canada Portal.

Annex IV

ATTENDANCE

Members of the United Nations Permanent Forum on Indigenous Issues: Antonio Jacanamijoy, Ayitegan Kouevi, Willie Littlechild, Wayne Lord, Ole Henrik Magga, Parshuram Tamang, Mililani Trask.

Indigenous peoples' organizations and nations: Aboriginal People's Television Network, Abya Yala Nexus, Academia de Lenguas Mayas de Guatemala y Proyecto Enlace Quiche, Altai (Tuba), American Indian Law Alliance, Asian Indigenous and Global Peoples Network, Asociación de Cabildos Indigenas del Norte del Cauca, Assembly of First Nations, Association Socioculturelle Tagazt, Djanet, Association Udmurt Kenesh, Bangladesh Supreme Court Bar, Bellemondo Media, Buffalo River Dene Nation, Confederación de Pueblos Indigenas de Bolivia (CIDOB), Center on Disability Studies –University of Hawaii, Central American Indigenous Council (CICA), Centro de Estudios Disciplinarios Aymaras (CEMA), Cherokee Nation, Cheyenne River Sioux Tribe Telephone Authority, COIN Intenet Academy, Comité Intertribal Memoria y Ciencia, Congress of Aboriginal Peoples, Consejo de Organizaciones Mayas de Guatemala, Consejo Indio de Sud America (CISA), Coordinadora Permanente de Pueblos Indigenas del Perú (COPPIP), Council for the Advancement of Native Development Officers, Cowichang Valley, Cultural Association Aang Stered, CWA New Media, Cybergarden Communications, Enlace Quiche, Escuela Radiofónicas Populares del Ecuador, Federation of Saskatchewan, Finish Provincial State, First Nation School Net, First Nations Statistics Secretariat c/o Union of Ontario Indians, First People' Cultural Foundation, Fundación Rigoberta Menchú Tum, Hamatla Treaty Society, Indigenous Media Network, Indigenous Peoples and Nations Coalition, Indigenous representative of the Khabarovsk Region (Russian Federation), Indigenous representative of the Shor people (Russian Federation), Inuit Circumpolar Conference (Canada); Inuit Tapiriit Kanatami, Kahanwake Mohawk Council, Kao Wao News Group, Kaska Dena Council, Keewatin Tribal Council, Mboscuda, Metis National Council, Mon Unity League, Native Communication Society, National Indigenous Time, Native Women's Association of Canada, Nor Alinea, Norwegian Broadcasting Corporation, Papua New Guinea Eco-Forestry Forum, Praire Land Communication System Inc., Programme d'Integration et de Développement du people Pygmee au Kivu, Proyecto de Desarrollo para los Pueblos Indigenas y Negros del Ecuador (PRODEPINE), Saami Council, South Asia Indigenous Women Fund, Squamish Nation Next Exit Pictures Ltd., Tebtebba Foundation, Teslin Tlingit Council, Tetuwan Oyate Teton Sioux Nation Treaty Council, The National Broadcasting Company Sakha, United Chiefs and Councils of Manitoulin, Vepsy.

States:

Australia, Canada, Ecuador, Norway, Switzerland and the United States of America. The following government departments of various Member States participated in the Global Forum: Canadian Cultural Online; Canadian Heritage; Canadian International Development Agency; Community Connectivity Access & International Branch National Office for the Information Economy; Consumer and Governmental Bureau; Department of External Affairs and International Trade; Federal Communications Commission; Human Resources Development Canada; Indian and Northern Affairs Canada; Indigenous Telecommunications Section, Department of Communication - IT & the Arts Government of Australia; Industry Canada; Norwegian Ministry of Education and Research (NORAD); and the U.S. Department of Commerce.

Private sector: Cape York Digital Network, Donna Cona, ICT Development Group, Jatun Pacha Productiones, Keewaytinook Okimakanak's Computer Services (Knet), Nigerian Television, Norther Native Broadcasting UK, Norwegian Broadcasting, Saami Radio, SIL International, TeKnowave Inc., Telesat Canada.

United Nations system entities and other intergovernmental organizations:

Inter-American Development Bank, International Labour Office, United Nations Educational, Scientific and Cultural Organization, United Nations Institute for Training and Research, Office of the United Nations High Commissioner for Human Rights, World Bank, World Intellectual Property Organization, and the World Health Organization.

Other non-governmental organizations and academic institutions:

Agenda Nacional de Conectividad del Ecuador, American Museum of Natural History (USA), Apoyo a los Pueblos Indigenas de la Amazonia (Bolivia), Arctic Institute of North America, California State University, Cultural Survival, CPDA, First Nations Statistics (Canada), FRAPNA, Fundación Cisneros (Colombia), Fundación para el Desarrollo de las Comunicaciones y la Protección Ambiental Colombia Multicolor, Greenlandic School of Journalism, Indigenous Peoples' Centre for Documentation, Research and Information (DOCIP), Indigenous Dialogues Foundation, Institute of Museum and Library Services (Canada), Institute for Connectivity in the Americas (ICA), International Development Research Centre (IDRC), International Working Group on Indigenous Affairs (IWGIA), James Cook University (Australia), Programme Regional de Health (Canada), Resource Centre for the Rights of Indigenous Peoples (Norway), and TARA.

Annex V

Declaration of the Indigenous Peoples of Latin America to the World Summit on the Information Society

Geneva, December 11, 2003

(Indigenous Caucus of South and Central America and México)

We, the representatives of the Indigenous Peoples of Latin America have come to Geneva to attend the Global Forum of Indigenous Peoples and the Information Society and the World Summit on the Information Society.

First, we would like to thank the Canton of Geneva and the Swiss government for the hospitality and support extended to our delegates.

Having gathered the feelings and aspirations of Indigenous people from our region, we would like to express the following:

We, Indigenous Peoples reaffirm our own forms and instruments of traditional communication as valid for a human communication that enriches social life, with respect and balance between humans and Mother Nature.

Communication is a daily and millennial practice of Indigenous Peoples that is fundamental for harmonious coexistence between humans and nature. For the Indigenous people, communication is integral as part of a cosmovision in which all of the elements of life and nature are permanently related and influence each other. Therefore, communication has as its foundation an ethic and a spirituality in which content, feelings and values are essential.

We consider that, although there has been a dialogue and a predisposition above all from the developing countries, the summit, and in general the Declaration of Principles and the Action Plan of the World Summit on the Information Society, has not included the fundamental proposals of the Indigenous Peoples that were made in previous preparatory meetings. Nor do these include the aspirations of the Indigenous Peoples expressed in various events on the right to develop our own forms and means of community communication.

We are concerned that the summit, in its first stage, does not consider the rights of Indigenous Peoples, that the vision of development adopted in the Summit emphasizes the technological means and instruments above human needs and perspectives; we are concerned that the development motor will be access to information technologies rather than access to equity, peace with social justice, and the exercise of rights and human liberties.

We would warn that a vision of a future society whose construction logic is based on market competition for the use and access to new information technologies would carry with it a serious risk of devaluing the sense of human communication.

The paradigm of an Information Society based principally on universal access to information technologies, means ignoring the structural inequalities whose causes are not of the technological or infrastructure type but rather a response to models of excluding domination based on the private interests of transnational corporations that concentrate a great deal of technological power and attempt to generalize this through the market system as the only means of human development.

As Indigenous Peoples, we want to call the attention of the government representatives that hold in their hands the final approval of the summit documents that, without significant participation of the world's indigenous peoples in the orientation and execution of the WSIS agreements, the discrimination and negation of our ancestral right will continue, and this will not only widen the digital divide, but will also worsen the current conditions and social, economic and cultural exclusion to the detriment of cultural identity and diversity of the people.

As Indigenous Peoples, forming part of the civil society, we emphatically express our concern that the United Nations really include a plural and humanistic vision of development that respects cultural diversity and that does not contribute – directly or indirectly – to consolidating a market vision that responds only to the private interests of powerful information corporations and that do not necessarily coincide with the interests of the people in democracy, sustainable development, social justice and peace.

Based on the above, we whole-heartedly call upon the Declaration of Principles and Plan of Action of the World Summit on the Information Society to contemplate the following:

1. To strengthen the **cultural and linguistic diversity** of the Indigenous peoples of the world and as a consequence to strengthen their rights to communication, with content, values and means as they themselves determine adequate.

2. To promote the recognition and exercise of the **fundamental liberties and rights of the Indigenous peoples** as an essential condition for an inclusive society that provides more justice and solidarity.

3. To base itself on the Human Rights recognized in the Vienna World Conference on Human Rights and other international instruments.

4. To promote mechanisms that assure the effective protection of the collective **knowledge, innovations and practices**, of the Indigenous peoples that are connected to cultural and biological diversity.

5. To create conditions in which Indigenous Peoples have access to the financial resources that allow information technologies to be appropriately developed under their own conditions without affecting cultural integrity.

6. To fully support the document created by the Civil Society, of which we are a part, and which should be taken into consideration and published

together with the official resolutions, since it includes our demands and plans for constructing a more democratic and unified information society.

7. And as we head toward Tunis, to promote and facilitate a genuine dialogue in which the United Nations, governments, civil society, Indigenous Peoples, and the private sector, reach a consensus for the construction of a true information society.

8. Lastly, we would like to reaffirm our will to continue the dialogue with all of the government and United Nations representatives and all of the actors involved, so that between now and the meeting in Tunis we can reach our goal of constructing an information society that helps to continue and to harmonize life on our Mother Earth.

United Nations E/C.19/2004/4

Economic and Social Council

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Permanent Forum on Indigenous Issues
Third session
New York, 10-21 May 2004
Item 4 of the provisional agenda*
Mandated areas

Information received from Governments

Note by the Secretariat

In its report on its second session, held in May 2003, the Permanent Forum on Indigenous Issues identified proposals, objectives, recommendations and areas of possible future action and, through the Economic and Social Council, recommended that States, United Nations system and intergovernmental organizations, indigenous peoples and non-governmental organizations assist in their realization. Information received in this regard from Governments is contained in the present document and its addenda.

* E/C.19/2004/1.

04-24873 (E) 160304

Canada

Responses to recommendations to states made in the report on the second session of the Permanent Forum on Indigenous Issues

Data collection

> **"The Permanent Forum on Indigenous Issues takes account of the diversity of national experience with surveys, censuses and other data and information collection systems as applied to indigenous peoples, and in view of the urgent need for disaggregated data on indigenous peoples within all of the mandated areas for developing and streamlining the policies and guidelines of the work of United Nations agencies, funds and programmes, and also in view of the complexities of producing coherent data, reiterates the recommendation made at its first session to organize a workshop on the subject, and recommends that the Economic and Social Council adopt draft decision 1 contained in chapter I, section A, of the present report."**[1]

Canadian response

1. Dan Beavon, Director, Research and Analysis, Indian and Northern Affairs Canada (INAC), attended the Permanent Forum's workshop on the collection of data concerning indigenous peoples, held from 19 to 21 January 2004. The mandate of the Research and Analysis Directorate is to undertake research in order to inform INAC policy development and decision-making regarding First Nations and northern peoples of Canada. The motivating question guiding their research is "How can the quality of life be improved for individuals and their communities?"

Economic and social development

> **"The Forum notes that indigenous peoples are increasingly confronted with issues and problems related to more urban characteristics, such as access to adequate housing, services and infrastructure in human settlements. It therefore invites Governments and local authorities to adopt policies and take necessary measures to meet the changing needs of indigenous peoples within the global process of the urban/rural dynamics and continuum. The Forum also recommends that United Nations agencies, funds and programmes increase their focus on this global trend and take actions in their respective areas of work so as to positively affect indigenous peoples. It recommends that the United Nations system, especially the United Nations Human Settlements Programme submit a report on policies and programmes in this area to the Forum, and that it participate in a dialogue with the Forum at its third session."**[2]

Canadian response

2. The Urban Aboriginal Strategy was introduced in 1998, as part of Gathering Strength: Canada's Aboriginal Action Plan, to address, in partnership with

stakeholders, the serious socio-economic needs of urban Aboriginal people. The Strategy is designed to improve policy development and programme coordination at the federal level and with other levels of government. The intent of the Strategy is to reduce the level of disparity that urban Aboriginal people currently face.

3. The Government of Canada currently provides about $270 million each year in programming and services that are directed to Aboriginal people living in urban centres across Canada. Through the Strategy, the federal Government is working to engage all stakeholders to cooperate to address the socio-economic issues facing urban Aboriginal people today.

4. The Urban Aboriginal Strategy is also meant to better coordinate federal programmes and services directed to urban Aboriginal people by the Government of Canada so as to maximize existing investments and to identify ways of working more effectively to address the needs of urban Aboriginal Canadians.

5. New funding for the Strategy in the 2003 budget will be allocated to pilot projects in eight priority urban centres: Vancouver, Edmonton, Calgary, Saskatoon, Regina, Winnipeg, Thunder Bay and Toronto. These pilot projects will test new ideas on how to better respond, through partnership, to the local needs of urban Aboriginal people.

> "**The Forum recommends to States and the United Nations system the implementation of projects of agriculture, fishing, forestry, and arts and crafts production to diversify productive activities and family income sources and to contribute to reducing, according to their own will, the levels of internal and external migration of indigenous peoples, and to providing capacity-building in those areas, by:**
>
> "(a) **Promoting the knowledge, application and dissemination of appropriate technologies and indigenous peoples' local products with certificates of origin to activate product activities, as well as the use, management and conservation of natural resources;**
>
> "(b) **Strengthening the capacities and potential of local human resources to train agricultural, fishery and forestry promoters that respond efficiently to the necessities of the families beneficiaries;**
>
> "(c) **Strengthening the institutional and entrepreneurial capacity of organizations of indigenous peoples to design operative and effective strategies so as to achieve sustainable development for the indigenous peoples of the world.**"[3]

Canadian response

6. A commitment to direct economic development initiatives will result in more jobs for Aboriginal Canadians, and our Government has therefore increased this commitment from $25 million to more than $120 million over the last several years. That investment, in turn, has leveraged over $400 million in economic activity — in jobs, experience and investment in Aboriginal communities. It has led to real change and made a real difference in the quality of life of Aboriginal peoples.

7. Canada's current opportunity- and market-driven programming approach has had some success. There are now over 30,000 businesses in Canada owned and operated by Aboriginal people. This represents an annual growth rate for

Aboriginal-owned businesses of 8.5 per cent, which far exceeds the non-Aboriginal business growth rate of 1.9 per cent.

8. In recognition of the barriers that Aboriginal people face when starting and operating a business, Canada has established a national network of 54 Aboriginal financial institutions. These community-managed corporations fulfil the role of developmental lender and service provider and have lent more than $600 million to Aboriginal entrepreneurs. Canada has also organized an Aboriginal International Business Development committee to work with Aboriginal entrepreneurs to develop strategies to enhance trade and market access throughout the world.

9. An example of targeted investment is Aboriginal Business Canada, through which the Government of Canada administers $30 million annually in business development programming designed for all Aboriginal people, on the basis of five priorities: youth, innovation, trade and market expansion, tourism, and strengthening Aboriginal financial and business organizations.

10. Since 1996, Aboriginal Business Canada has assisted with the start-up of nearly 1,000 new Aboriginal businesses and has invested in over 4,400 business development projects, leveraging $2 from other sources for every $1 it contributes. Between 1996 and 2000, clients of Aboriginal Business Canada have created over 2,600 jobs, with the majority of those employed being of Aboriginal heritage.

11. In 1999 the federal Government established its Aboriginal Human Resource Strategy, with $1.6 billion in resources over five years, to create the opportunity for Aboriginal communities to make a real difference in the economic future of hundreds of thousands of Aboriginal children. Under this five-year strategy, implemented in 1999, the Government has reached agreements with 79 Aboriginal organizations to design and deliver employment programmes and services that meet their own particular needs and priorities. This includes specific labour market measures to help Aboriginal people prepare for, obtain and maintain employment, as well as build capacity within communities. It also includes funding for First Nation and Inuit childcare, and initiatives for Aboriginal youth and persons with disabilities.

12. In 1999 the Government of Canada provided a $21 million package of measures designed to improve business development opportunities for Aboriginal peoples in Canada. It includes initiatives to provide access to capital, create an Aboriginal business services network and enhance delivery of existing business support programmes to Aboriginal entrepreneurs and organizations.

13. INAC is also very active in capacity-building initiatives. In British Columbia, for example, such initiatives often flow from the relationship developed between First Nations and the federal Government through treaty negotiations.

14. The objective of the British Columbia Capacity Initiative is to enhance the capacity and expertise of First Nations that have asserted Aboriginal title in preparing to negotiate and implement land and resource components of their Aboriginal claims settlements. An annual amount of $5 million was allocated from 1999 to 2001, and since 2002 $5.25 million has been allocated per year to the Initiative to fund 319 capacity-building projects up to the end of March 2004. Projects include strategic plans, consultation practices, traditional use studies, geographic information system applications, land stewardship and other First Nation initiatives.

15. In addition, treaty-related measures are available to First Nations within the British Columbia treaty process. Treaty-related measures are federal/provincial cost-shared negotiating tools used within the British Columbia treaty process to remove identified obstacles to negotiations, thereby expediting the negotiation process. They are time-limited measures used strategically to accelerate negotiations; preserve negotiation options regarding Crown or private lands; take advantage of time-sensitive economic and cultural opportunities that provide First Nations with temporary pre-treaty access to anticipated treaty benefits; and prepare First Nations to implement treaty settlements by enhancing their role on anticipated treaty settlement lands and in governance. To date Canada, British Columbia and First Nations have negotiated and implemented 86 treaty-related measures (72 per cent of which are now completed). As of January 2004, 23 of the 34 treaty tables that are in the agreement-in-principle stage of negotiations have utilized treaty-related measures, the most commonly used of which involve land/resource and economic studies. First Nation participation in land and resource management processes within claimed territories and development measures in support of First Nation self-government are also frequently deployed. Two provincial Crown land protection measures and seven private land acquisitions have also been negotiated and implemented. To date, Canada's financial commitment to these treaty-related measures (from 2000-2001 to 2003-2004) is $14.33 million.

> "**The Forum recommends to Governments the design and implementation of mechanisms for resolving the problems related to land tenure and access to credits, with quality and efficiency and without affecting indigenous peoples**."[4]

Canadian response

16. The Claims and Indian Government Sector of the Department of Indian Affairs and Northern Development manages the negotiations, settlement and implementation of comprehensive and specific land claims agreements, as well as special claims settlements and self-government arrangements. Negotiations are between Aboriginal groups, the federal Government and, in areas affecting its jurisdiction and interests, the relevant province or territory. In these negotiations, Canada ensures that the interests of Aboriginal and non-Aboriginal people are respected, and that if they are affected they are dealt with fairly. Land claims settlements and self-government arrangements bring opportunities for economic growth and a more promising future for Aboriginal people and for all Canadians.

17. The federal Government negotiates two types of land claims:

(a) Comprehensive land claims, based on the concept of continuing Aboriginal rights and title that have not been dealt with by treaty or other legal means;

(b) Specific claims arising from alleged non-fulfilment of treaties and other lawful obligations or from the alleged improper administration of lands and other assets under the Indian Act.

Special claims are those technically outside the normal comprehensive or specific claims processes for legal reasons, but that are obviously well founded on fact.

18. Self-government agreements set out practical and workable arrangements for Aboriginal peoples to implement the inherent right of self-government and assume

responsibility and control over matters internal to their communities and integral to their unique cultures, identities, traditions, languages and institutions.

19. For more information on Canadian claims processes, see the INAC publication *Resolving Aboriginal Claims: A Practical Guide to Canadian Experiences*, which will be forwarded to the secretariat of the Permanent Forum on Indigenous Issues.

> **"The Forum recommends that States where indigenous peoples live formulate and implement public policies with gender and ethnic considerations, taking into account the multicultural and multi-ethnic composition of their populations."**[5]

Canadian response

20. The Canadian Constitution, through the Canadian Charter of Rights and Freedoms, which forms part of the Constitution Act, 1982, guarantees fundamental rights of equality to all Canadians. Section 15 of the Charter guarantees every individual the right to equality before and under the law and the right to equal protection and benefit of the law without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability. Section 28 of the Charter confirms that the rights and freedoms of the Charter are guaranteed equally to male and female persons.

21. Internationally, Canada is committed to act on its endorsement of agreements such as the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the United Nations Declaration on Violence Against Women.

22. The Federal Plan for Gender Equality was developed and then adopted in 1995 by the Government of Canada for the Beijing Conference, as Canada's contribution towards the goals of the Platform for Action. The Federal Plan documents some of the salient global and domestic issues to be addressed in the movement towards full equality for women and men in Canada, and it highlights broad guidelines for future federal initiatives.

23. In February 1998, in response to the Federal Plan, the Minister of Indian Affairs and Northern Development created the Office of the Senior Adviser on Women's Issues and Gender Equality. That Office is the focal point for women's issues in the Department. It has the mandate to develop and implement a gender-equality analysis policy to address gender-equality issues within the Department and as they relate to First Nation and northern partners.

24. With regard to multiculturalism, Canada's cultural, ethnic and linguistic diversity has always defined our national fabric. French and English settlers, Aboriginal peoples and successive generations of immigrants from Asia, Europe, Africa, Latin America and elsewhere created the dynamic mix that built Canada. Thirty years ago, Canada became the first country in the world to adopt a national multiculturalism policy. Over the last three decades our multicultural reality has found expression in our Constitution and a variety of laws, regulations and practices. We now have in place a legislative framework that is intended to allow our diverse population to work, live and engage in community life in a climate of respect and acceptance.

25. A fundamental goal of multiculturalism has been to build capacity for dialogue and self-expression in diverse communities. We have sought to create the conditions required to realize opportunity and enable full participation in Canadian society. These goals have been enshrined in legislation through our Charter of Rights and Freedoms, Official Languages Act and Multicultural Act.

Environment

> **"The Forum recommends that the United Nations system urge all States to ratify the Kyoto Protocol, the Bio-Safety Protocol, the Stockholm Convention on Persistent Organic Pollutants (the Conference of Parties to the Stockholm Convention should establish mechanisms for indigenous peoples to maintain an active presence at its meeting), the Rotterdam Convention on Hazardous Chemicals, the Basel Convention on the Control of the Transboundary Movement of Hazardous Waste and its 1995 prohibition on the export of hazardous waste from the countries of the Organisation for Economic Cooperation and Development to non-member countries, and the 1996 Protocol to the London Convention on marine waste deposits, etc."**[6]

Canadian response

26. The Canadian Government's commitment to the Kyoto Protocol and its principles are demonstrated by the following excerpt from its 2004 Speech from the Throne:

> "The Government of Canada will respect its commitments to the Kyoto accord on climate change in a way that produces long-term and enduring results while maintaining a strong and growing economy. It will do so by developing an equitable national plan, in partnership with provincial and territorial governments and other stakeholders.
>
> "We have begun, and we will persevere. And we will go beyond Kyoto to strengthen our environmental stewardship.
>
> "First, the Government will begin by putting its own house in order. It will undertake a 10-year, $3.5 billion programme to clean up contaminated sites for which the Government is responsible. And the Government of Canada will augment this with a $500 million programme of similar duration to do its part in the remediation of certain other sites, notably the Sydney tar ponds.
>
> "Second, the Government will intensify its commitment to clean air and clean water. We will engage the United States on transboundary issues and the provinces to achieve more stringent national guidelines on air and water quality. And we are committing the resources needed to ensure safe drinking water in First Nations communities.
>
> "Third, building on recommendations of the National Round Table on the Environment and the Economy, the Government will start incorporating key indicators on clean water, clean air and emissions reduction into its decision making.

"Fourth, the Government will increase the resources to support innovative environmental technologies and further encourage their commercialization.

"Fifth, we will engage Canadians directly. Our One-Tonne Challenge aims to raise awareness and provide Canadians with information on how their individual consumption choices contribute to the emissions that drive climate change. The objective — the challenge — is to reduce emissions by 1,000 kilograms per person per year. Because environmental stewardship must be everybody's responsibility."

"The Forum recommends that United Nations bodies, in particular the Convention on Biological Diversity, in coordination with the World Bank, UNDP, FAO and IFAD, and UNEP, organize a workshop on protecting sacred places and ceremonial sites of indigenous peoples with a view to identifying protective mechanisms and instituting a legal framework that make cultural, environmental and social impact assessment studies mandatory and ensure the environmental accountability of economic, social and environmental projects that are proposed to be conducted on sacred sites and on lands, territories and waters traditionally occupied or used by indigenous peoples."[7]

Canadian response

27. The Ad Hoc Open-ended Intersessional Working Group on Article 8 (j) and Related Provisions of the Convention on Biological Diversity, at its third meeting, in Montreal, from 8 to 12 December 2003, crafted voluntary guidelines for the conduct of cultural, environmental and social impact assessment regarding developments proposed to take place on, or which are likely to impact on, sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities. Canada supported these guidelines.

Health

"The Forum urges States to undertake and promote the expansion of their national health systems in order to provide holistic health programmes for indigenous children that incorporate preventive medical practices and family and community participation. States are urged to address the issues of malnutrition and of indigenous children victimized by poverty by adopting special measures to ensure and protect the cultivation of traditional food crops."[8]

Canadian response

28. As a complement to the Federal/Provincial/Territorial Early Childhood Development (ECD) Agreement, the ECD Strategy for First Nations and Other Aboriginal Children was announced in October 2002. The Aboriginal ECD Strategy provides $320 million over five years to:

(a) Build on existing community-based programmes, including Aboriginal Head Start and the First Nations and Inuit Child Care Initiative;

(b) Further address foetal alcohol syndrome and fetlle alcohol effects;

and Cultural Organization, the International Organization of la Francophonie, the G-8, the Summit of the Americas and the Organization of American States.

> **"The Forum recommends that Governments introduce indigenous languages in public administration in indigenous territories where feasible."**[10]

Canadian response

32. The 1993 Nunavut Land Claim Agreement led to the creation of the new territory of Nunavut, which means "our land" in Inuktitut, on 1 April 1999. Constituting one fifth of the nation's land mass, Nunavut covers 2 million square kilometres carved out of the eastern and central sections of the Northwest Territories. The population of the new territory is 85 per cent Inuit. Since 1993, the Inuit, as Nunavut's majority population, have been shaping a territorial government to reflect their culture, traditions and aspirations. To meet the needs of its 28 scattered communities, the Government of Nunavut is highly decentralized, with advanced communications technology playing a key role in this structure.

33. The training and development of public servants started after the implementation of the 1993 Agreement, and such programmes continue to be a driving force in Nunavut's evolution to self-sufficiency. The Government of Canada committed approximately $40 million for the recruitment and skills-upgrading of Nunavut public service employees. By April 1999, about 600 Inuit had already benefited from the training programmes. Inuktitut, along with English and French, is a working language of the Nunavut government.

> **"The Forum recommends that Governments and the United Nations system, through its country presences, support indigenous media and promote the engagement of indigenous youth in indigenous programmes."**[11]

Canadian response

34. For 20 years, Aboriginal broadcasters have provided audiences in remote, rural and Arctic communities across Canada a unique native-language public radio and television service.

35. The Northern Native Broadcast Access Programme has been in operation since March 1983, with the purpose of supporting the production and distribution of relevant Aboriginal programming to northern native people. The programme funds 13 Aboriginal communications societies, which serve over 250,000 Aboriginal people (status/non-status Indian, Inuit and Métis) living in northern regions of Canada.

36. The Northern Distribution Programme provides funding for the operation of a northern satellite distribution system to deliver a combination of northern and Aboriginal programming to 96 communities. The Aboriginal Peoples Television Network is the sole recipient of funding under the programme, and it operates a national television network providing Aboriginal programming in English, French and 17 Aboriginal languages.

> **"The Forum recommends that the Economic and Social Council, States and the United Nations system promote the co-administration of**

archaeological sites which are administered by States in order to contribute to the care, preservation and conservation of those sites and to facilitate processes of development of indigenous peoples."[12]

Canadian response

37. In comprehensive claims negotiations, an Aboriginal group may consider it important to preserve sites that have been traditionally significant to it for cultural or spiritual reasons. These sites may include fish camps, trading posts, old missions and historical and burial sites. For some Aboriginal peoples, archaeological evidence such as moose and caribou skin clothing, stone axes and other tools that were used by their ancestors may also have a spiritual value. Such sites could be included within land claims settlements or turned into parks to be co-managed by the indigenous group in question and the provincial or federal government. Such issues are open to negotiation.

Education

"The Forum recommends that concerned State Governments conduct workshops, training courses and other programmes for indigenous peoples, on a regular basis, to enhance their interest in the cultural diversity of the world and thus increase awareness about preserving distinct indigenous peoples' culture."[13]

"The Forum recommends the creation and/or consolidation of academic institutions to train indigenous leaders of the world and urges public and private universities to develop curricula on indigenous peoples. The Forum furthermore exhorts the presidents of universities to promote the review of their teaching and research programmes with the objective of valuing and recognizing indigenous and intercultural education and strengthening technical cooperation and the exchange of experience for the training of indigenous professionals."[14]

"The Forum recommends that States reduce the rates of illiteracy, lack of schooling, truancy and dropouts and raise the rates of completed primary education through literacy campaigns and the design of indigenous, bilingual, intercultural educative and extramural models in the States where indigenous peoples live."[15]

Canadian response

38. Education is an essential factor for ensuring strong First Nation and Inuit individuals, communities and economies. Research indicates that the single most important way to provide a quality of life comparable to that of other Canadians is through investing in education. For example, according to the human development index, almost 60 per cent of improvements in quality of life for First Nations between 1991 and 2001 can be directly attributed to education.

39. Education is a powerful enabler because it is an essential building block for economic development and good governance. It is through education that First Nation and Inuit learners acquire the necessary skills and knowledge to fully

participate in the wage economy and to develop the professionalism, expertise and leadership necessary for effective community development and governance.

40. First Nation and Inuit learners are part of the larger overall Canadian trend of increasing educational attainment. Twenty years ago, there were only several hundred First Nation and Inuit individuals with post-secondary degrees in all of Canada. Now there are over 30,000 First Nation and Inuit degree holders. The increase in attainment has been paralleled, and is supported, by an increase in First Nation control of the delivery of education to First Nation children living on reserves. For example, the number of First Nation schools increased by 40 per cent (from 353 to 496) from 1992-1993 to 2002-2003.

41. Notwithstanding the gains that have been made, an unacceptable gap in educational attainment exists between First Nation and Inuit people and other Canadians. The Government of Canada is working collaboratively with First Nations, Inuit, provincial governments and other stakeholders to narrow the gap and ensure that First Nation and Inuit children have the same educational opportunities that other Canadians enjoy. Towards this objective, Indian and Northern Affairs Canada is supporting First Nations and Inuit to provide a high-quality, culturally relevant education and further enhancing Indian control over Indian education by increasing First Nation capacity, decision-making and participation by expanding and accelerating the development of regional First Nation education organizations.

42. In 2002, the Minister for Indian Affairs and Northern Development established the National Working Group on Education. The mandate of the 15 Aboriginal members of the Working Group was to research and provide advice to the Minister on how, in partnership with First Nations, INAC could better foster excellence in First Nation education, celebrate some of the successes in First Nation education and help narrow the unacceptable gap in academic results between First Nation students and other Canadian students.

43. In December 2002, the Working Group submitted its final report, entitled *Our Children — Keepers of the Sacred Knowledge*. The focus of the report is on reserve education, but, given the high percentage of First Nation students attending provincial schools, it also addresses the needs of such students. The report contains a total of 27 recommendations that, in keeping with the holistic First Nation philosophy of lifelong learning, span the period from early childhood to post-secondary education. The recommendations are intended to facilitate the establishment of a high-quality First Nation education system, grounded in indigenous knowledge, that is characterized by high levels of academic achievement and students who possess the knowledge and skills to participate fully in their own First Nation community and in Canadian society. The Government is committed to an ongoing discussion with the First Nations to determine the next steps on how to follow up on the report's recommendations.

Notes

[1] *Official Records of the Economic and Social Council, 2003, Supplement No. 23* (E/2003/43-E/C.19/2003/22), chap. 1, para. 122.

[2] Ibid., para. 32.

[3] Ibid., para. 42.

[4] Ibid., para. 43.

[5] Ibid., para. 44.

[6] Ibid., para. 49.

[7] Ibid., para. 55.

[8] Ibid., para. 80.

[9] Ibid., para. 95.

[10] Ibid., para. 98.

[11] Ibid., para. 99.

[12] Ibid., para. 103.

[13] Ibid., para. 107.

[14] Ibid., para. 109.

[15] Ibid., para. 111.

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Note by the Secretariat

Addendum

Finland

1. The indigenous people in Finland are the Sámi. Since 1992 the Sámi have had the right to use the Sámi language before public authorities. This right has been enshrined in the Constitution since 1995. At the beginning of 2004 the linguistic rights of the Sámi were strengthened by the entry into force by a new Sámi Language Act. This Act applies to all courts and other public authorities operating within the Sámi homeland, in the municipalities of Enontekiö, Inari and Utsjoki in the northern part of Finland, and in the reindeer owners' association of Lapland situated within the municipality of Sodankylä.

2. The Act guarantees the use of all the Sámi languages spoken in Finland: Inari Sámi, Skolt Sámi and Northern Sámi. The Act lays down a duty for the authorities, on their own initiative, to see to it that the linguistic rights of the Sámi are enforced. The Government's report on the application of the language legislation, which is given to the Parliament for each of its terms on the basis of the Language Act, must also clarify the implementation of the provisions concerning the use of the Sámi language before the authorities.

3. The Sámi have since the reform of the basic rights in 1995 had the constitutionally secured right to maintain and develop their own language and culture. Culture should here be understood broadly. It covers also the traditional economic activities of the Sámi, such as reindeer husbandry. Since 1995 the Sámi have also had the constitutionally guaranteed right to cultural autonomy. For the tasks belonging to cultural autonomy the Sámi choose every fourth year from among

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themselves a 21-member Sámi Parliament to be their representative body. The Sámi Parliament continues the work of the Sámi Delegation, elections of which have been held in Finland every four years since 1973. In matters pertaining to its tasks, the Sámi Parliament may make initiatives and proposals to the authorities as well as issue statements and use decisive powers prescribed by the Act. The authorities must negotiate with the Sámi Parliament in all far-reaching and important measures that may directly and in a specific way affect the status of the Sámi as an indigenous people and that concern certain matters specified in the Act as being central to the Sámi in the Sámi homeland.

Non-discrimination

4. According to the Constitution of Finland everyone is equal before the law. The Constitution also contains a prohibition for discrimination, and origin and language are, among others, specifically mentioned as prohibited grounds for discrimination. The objective of the new Equality Act, which entered into force at the beginning of 2004, is to promote and guarantee equality in different sectors of society and to strengthen the legal protection of persons subject to discrimination. The Equality Act prohibits direct and indirect discrimination based on age, ethnic and national origin, nationality, language, religion, conviction, opinion, health, disability and sexual orientation. Thus, the Act also covers the members of indigenous peoples.

5. The Equality Act is applied to recruitment, working conditions, terms of employment, career advancement, education and training as well as entrepreneurial pre-requisites and the support of business activity. Membership and activities in employee or employer organizations belong to its scope of application. The Act also prohibits the placing of a person in an unequal position in social and health services on the basis of origin, social security benefits or other kind of support and benefits granted on social grounds.

6. The occupational safety authorities supervise the observation of the Equality Act in employment relationships. In other areas, the supervision of discrimination based on ethnic origin is the duty of the Ombudsman for Minorities and of the Discrimination Board, which will be established soon to monitor compliance with the Equality Act. According to this Act, all authorities shall in all their activities promote equality purposefully and systematically.

7. A special authority called Ombudsman for Minorities was established in 2001 to promote good ethnic relations and to monitor the principle of ethnic non-discrimination and improve the status and rights of ethnic minorities. The duties of the Ombudsman are extensive. In addition to instructions, counsel and recommendations, the Ombudsman can request measures in order to bring about conciliation between the parties concerned. The aim is for the parties to reach an agreement, reasonable for both sides, on the indemnity of damages caused to the person subject to discrimination.

8. The Ombudsman for Minorities will be able to bring matters before the Discrimination Board. The Discrimination Board as a new legal body will increase the factual access to legal safety.

9. The Penal Code penalizes discrimination not only in trade, public service, public office and other public positions, the organizing of public meetings and other

public occasions, but also in work life. As prohibited grounds for discrimination the Penal Code lays down, among others, race, national and ethnic origin, colour and language.

10. In addition to the courts, the Parliamentary Ombudsman and the Chancellor of Justice of the Government can also intervene in cases of discrimination taking place in public office.

11. In Finland the Sámi are not just the only indigenous people in the country, they also enjoy the rights of a national, ethnic and linguistic minority. Therefore, they are entitled to the protection against discrimination offered by the Framework Convention for the Protection of National Minorities of the Council of Europe.

12. The rights of indigenous peoples and minorities belong to the priority areas of Finland's human rights policy. Finland has regularly reported to the monitoring bodies of the human rights treaties on the situation of the Sámi. The recommendations of the treaty bodies are an important ground for the measures to be taken to implement the equality of the Sámi also in practice.

Land ownership

13. The Finnish Constitution ensures the land ownership of the Sámi people, including land use and other rights, both in the Sámi homeland and elsewhere in Finland in the same way as the property of the other Finnish citizens, companies and corporations is protected. Upon their own application reindeer and other farms have been set up for the Sámi on the same basis as in cases of other Finnish citizens. State funding in support of farm building and reindeer herding in general has been granted as subsidies, low-interest loans and debt adjustment arrangements.

14. In Finland the Skolt Sámi have been given special attention since the late 1940s. The Skolt Sámi are an indigenous population of the Kola Peninsula who lost their native lands in Petsamo as a result of the Second World War. For the most part the Skolt Sámi settled permanently in their new homelands in 1949. In 1955 an Act on Skolt Sámi Settlement was passed defining, for instance, the rights of the Skolt Sámi to land and waters in their new home regions and giving them new houses at no cost to them. The Skolt Sámi have retained their own traditional village administration, which includes the election of a village representative, or Elder, for all Skolt Sámi for a term of three years. According to the most recent Skolt Act, of 1995, the Elder receives remuneration of 1,500 euros per month from the State. The office of the Village Elder is also partly funded by the State. Based on the Skolt Act, the Skolts may be entitled to higher investment aids for reindeer herding and housing.

15. Metsähallitus (the Forest and Park Service) is a State enterprise operating under the Ministry of Agriculture and Forestry. Metsähallitus administrates the State's land and water areas. Decree No. 1525 on Metsähallitus (1993) contains a specific provision concerning the protection of the Sámi culture. Section 11 of the Decree states that in the Sámi homeland area the natural resources administered by Metsähallitus shall be kept, used and protected in a way that guarantees the Sámi people's traditional livelihoods and culture. The Metsähallitus Act will be amended in the near future, and the rights of the Sámi people will also be safeguarded in the new legislation.

16. The rights of the Sámi have also been taken into account in the Forest Act No. 1093 (1996). According to its section 12 the Government may designate areas as protection forest areas where preservation of the forest is necessary to prevent the retreat of the timberland. In protected forest areas, the forest is managed and utilized with special care and in such a way that the measures do not result in retreat of the timberland. The Government may issue necessary general regulations about forest management and use in protected forest areas. Before a government decision concerning a protected forest area is taken, the forest owners, relevant municipalities and other authorities are to be heard. In addition, negotiations are held with the Sámi Parliament as specified in the Sámi Parliament Act.

Labour administration

17. The labour administration aims to promote the availability of employment services in the Sámi regions for those using the Sámi language by appointing persons speaking the Sámi language in the regional administration, by their recruitment policy and by supporting the officials' independent study of the Sámi language. The most important forms and guides related to customer service are produced in the Sámi language. The arrangement of Sámi services is complicated, however, by the small number of customers speaking Sámi, the lack of translators and the fact that three different Sámi languages are used in Finland, which deviate significantly from each other. The procuring of high-quality Sámi translations is further affected by the fact that the Sámi languages are spoken languages, which for long had no written language.

Social and health services

18. In 1997 the Ministry of Social Affairs and Health and the State Provincial Office of Lapland carried out a project in order to survey the availability of and the need for social and health services in the Sámi language. The project produced a final report, conclusions and proposals for development. The implementation of many of the development proposals has already advanced to some extent.

19. There has been a separate appropriation in the State budget since 2002 for securing the availability of social and health services in the Sámi language. The amount of the appropriation has been on the increase: 200,000 euros in 2002, 300,000 euros in 2003 and 600,000 euros in 2004.

20. The appropriation can be used for payment of a government grant through the Sámi Parliament in Finland to the municipalities located in the homeland of the Sámi people. The government grant is used to meet the costs of social and health services provided in all Sámi languages. The State Provincial Office of Lapland is the State authority responsible for the administration of the government grant.

21. The Sámi Parliament prepares annually a budget allocation scheme for the use of the appropriation. The areas of priority in 2004 are early childhood education and care and elderly care. The appropriation is divided between the municipalities in the area as follows: Utsjoki 217,500 euros, Enontekiö 98,000 euros, Inari 264,000 euros and Sodankylä 20,000 euros.

Youth

22. The Government of Finland supports financially, when needed, the participation of members of the Sámi people in international events. Representatives of the Sámi Parliament and of Sámi youth participated at the second session of the Forum with the support of the Finnish Government.

23. The Ministry of Education has regularly granted annual subsidies and project funding for the operations and projects of Sámi youth organization (Suoma Sámi Nuorat). The aim is to support young indigenous people's voluntary civic activities in Lapland. In addition, the Ministry has allocated separate grants to the Sámi Parliament to be used for arranging young Sámi culture events. The events enable young Sámi people to cherish and develop their own culture.

Culture

24. The State budget includes a separate appropriation in the Ministry of Education for supporting Sámi-language culture and organizational activities. These resources are allocated to the Sámi Parliament in keeping with the principle of the cultural self-government of the Sámi. The appropriation is used to allot grants and subsidies on application for different sectors of Sámi art and culture and to Sámi organizations. In 2004 the appropriation was 168,000 euros.

25. The cultural appropriation constitutes a significant support for the Sámi community. Sámi organizations play an important role as a channel for social participation, for the development and revival of the Sámi language and for the preservation and transfer of Sámi traditions to new generations. In addition, the money can be used for special annual cultural awards.

26. Apart from the appropriation for Sámi culture, the Ministry of Education has supported co-Nordic Sámi organizations and the Finnish section of the Sámi Council and its national member associations through the Sámi Parliament. The Sámi Council is a joint consultative body of Finnish, Swedish, Norwegian and Russian Sámi organizations.

27. There is a Sámi museum Siida in Inari, which collects the cultural heritage of all the Sámi groups: the Skolt, Inari and Northern Sámi. The museum preserves and records both material and immaterial Sámi culture.

28. The University of Helsinki is carrying out a Sámi culture encyclopaedia project; the electronic encyclopaedia database will be ready during the spring of 2004. The project has systematically compiled information about Sámi culture, languages, history, rights, mythology, folklore, music, economy, nature, art, etc. The aim is to publish the encyclopaedia in a book form in the course of 2004. The project is co-funded by the European Union, the Finnish Ministry of Education and the Finnish Cultural Foundation.

Education

29. As from the beginning of 1999 the municipalities and other education providers in the Sámi home area receive a separate State subsidy for Sámi language education and the teaching of the Sámi language.

30. The new national basic education core curriculum was adopted on 16 January 2004. Local curricula based on it can be used from August 2004 onwards and must be implemented in all classes by 1 August 2006. The new core curriculum provides separately for the education of linguistic and cultural minority groups and the Sámi people. The values underlying basic education in Finland are human rights, equality, democracy, the preservation of ecological diversity and the vitality of the environment, and plurality. Education must accommodate national and local characteristics and the national languages, the two folk churches, the Sámi as an indigenous people and national minorities.

31. According to the core curriculum, education must take account of the fact that the Sámi are an indigenous people with a language and culture of their own. For some pupils (Skolt, Inari or Northern Sámi) Sámi is taught as the mother tongue and used as the language of instruction, for others it is taught as a foreign language. Education must support the pupils' indigenous identity and enable them to learn their own language and gain a proficiency in it. Basic education must promote knowledge of the pupils' own culture, history and Nordic Sámi cooperation, as well as awareness of the Sámi as a nation and as one of the world's indigenous peoples. Teaching must help pupils identify with their national cultural heritage and promote solidarity with Sámi people living in other countries.

32. In the upper secondary school, Sámi can be used as a language of instruction, but this is not obligatory for the education provider. It is not possible to take the whole matriculation examination using the Sámi language. Sámi language vocational education and training is given at the Sámi education and training centre. In the University of Oulu it is possible to study the Sámi language and culture as a major subject and in the University of Helsinki and the University of Lapland as a minor subject.

33. The National Board of Education finance a virtual Sámi project in the Sámi homeland municipalities in 2003 and 2004. Its aim is to develop and promote the virtual teaching of the Sámi language and encourage the learning of the Sámi language outside the Sámi homeland.

34. In the 2004 State budget, the Ministry of Education includes a net appropriation of 18.4 million euros for the operations and activities of the National Board of Education. This appropriation is also used for the development of teaching materials and the production of Swedish-language and other small-circulation learning material. The Sámi Parliament is granted 258,000 euros of this appropriation for the production of Sámi language learning materials.

35. An education and learning material board set up by the Sámi Parliament is responsible for the planning, production and distribution of Sámi learning materials, for Nordic cooperation in material production and for the use of the learning material appropriation. The practical implementation has been assigned to a learning materials secretary hired for the purpose. The resources have been used to produce textbooks, supplementary materials and audio-visual materials. The largest material groups are Sámi as mother tongue and Sámi language adaptations of Finnish textbooks. Most of the appropriation has been used to produce Northern Sámi materials, but Inari and Skolt Sámi materials are also produced.

36. The funds allocated to learning material production amounted to 1.4 million markkaa (Fmk) in 2000, 1.5 million Fmk in 2001, 253,000 euros in 2002, 253,000 euros in 2003 and 258,000 euros in 2004.

37. The Finnish Education for All National Action Plan (March 2003) also provides for the Sámi a minority's right to education in their own language. The Action Plan is based on the six goals adopted by the World Education Forum in 2000, which are implemented at the national level. According to the Goals, States must take special account of the education of ethnic minorities. The Education for All process is the foremost tool for implementing the Millennium Development Goals relating to education. This means that education must be assigned a cross-sectoral role in the implementation of the Goals. The Education for All process includes flagship programmes for education and awareness-raising concerning HIV/AIDS and health education. The Education for All process is coordinated at the international level by the United Nations Educational, Scientific and Cultural Organization (UNESCO).

38. Sámi speaking class teachers are trained in the Universities of Oulu and Lapland. The situation concerning Northern Sámi teachers is good; all the teachers are qualified class teachers.

39. The education of Sámi speaking subject teachers was initiated according to the proposals of a Ministry of Education committee (1999) with graduate-entry training during 1999. Most of the students were qualified Sámi speaking classroom teachers, who supplemented their qualifications with studies in the subjects they will teach. This training has been mostly distance training. The training of Inari and Skolt Sámi teachers will require separate measures.

40. Sámi language and culture can be studied as a major subject in the University of Oulu and as a minor subject in the Universities of Helsinki and Lapland. There are also Sámi courses available for those studying to be teachers or civil servants.

Recommendations concerning the United Nations Educational, Scientific and Cultural Organization

41. At the UNESCO General Conference, Finland endorsed UNESCO action on behalf of indigenous peoples. The Finnish National Commission for UNESCO has a member versed in the rights of indigenous peoples. The Commission has been active in Nordic UNESCO cooperation, stressing the need to take account of the indigenous peoples in the education, culture, science and communications sectors. Finland has made a contribution to the organization of the indigenous people's conference on knowledge in the next generation to be held at Tromso, Norway from 23 to 26 August 2004.

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Note by the Secretariat

Addendum

Colombia

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Information gathered from national experience in implementing the recommendations of the Permanent Forum on Indigenous Issues

1. The 1991 Constitution, in accordance with Convention No. 169 of the International Labour Organization, ratified by Colombia by means of Act No. 21 of 1991, establishes the legal framework that enables the State to recognize and protect the ethnic and cultural diversity of the Colombian nation. Further to this constitutional principle, the Political Charter recognized the equality of all cultures coexisting on national territory, the official status of indigenous languages in their respective territories, the right to an education in keeping with their traditions and customs, a special indigenous jurisdiction to be applied by the indigenous authorities in accordance with their habits and customs, created a special indigenous constituency for the Colombian Senate and Chamber of Representatives and recognized the capacity of the indigenous territories to be territorial entities of the Republic.

Progress in the legislative field

2. In the area of furthering the constitutional and legal rights of indigenous peoples, Colombia is ranked first in the list of indigenous legislation submitted by the Inter-American Development Bank to the Second Session of the Permanent Forum on Indigenous Issues.[1] Among the most relevant legislative measures taken by Colombia over the past decade are the following:

- Act No. 48 of 1993, which regulates enlistment and exempts indigenous peoples from military service;
- Act No. 115 of 1993, which provides, inter alia, for special education for ethnic groups;
- Act No. 335 of 1996, which recognizes the right of ethnic groups to access the electromagnetic spectrum, public telecommunications services and State mass media and to establish their own forms of media;
- Act No. 388 of 1997, which, inter alia, determines that municipal land use must take account of ethnic and cultural diversity;
- Act No. 397 of 1997, the General Culture Act, which recognizes the rights to collective authorship and archaeological heritage and supports ethnoeducation programmes and the dissemination of indigenous heritage through the media;
- Act No. 715 of 2001, which regulates the territorial entities' share of national revenues and assigns a portion of those revenues to the indigenous reservations;
- Act No. 756 of 2002, which regulates the State's right to collect royalties from the exploitation of non-renewable natural resources and provides that, when such exploitation takes place less than five kilometres from indigenous reservations, 20 per cent of those royalties must be handed over to them;

[1] Indigenous Peoples and Community Development, Databank on Indigenous Legislation, 1999-2003 IADB, http://www.iadb.org/sds/ind/index_ind_e.htm.

- Act No. 685 of 2001, which establishes the Mining Code and recognizes indigenous mining areas in which indigenous peoples have preferential rights over exploitation for their own benefit;
- Act No. 812 of 2003, which approves the "National Development Plan: Towards a Community State", an entire section of which is given over to the implementation of policies designed to strengthen ethnic groups.

3. By means of a series of regulatory decrees, a mechanism was established to allow for consultation with indigenous and black communities when exploratory and exploitation activities involving renewable and non-renewable natural resources are scheduled to take place in their territories. The two largest consultation bodies are the Permanent Committee for Consultation with Indigenous Peoples and the Indigenous Peoples' Human Rights Commission.

4. Examples of the considerable progress made in the area of indigenous rights are the resources earmarked by the State for indigenous health services and the number of transfers of indigenous territories classified as reservations to the State.

Health

5. Act No. 691 of 2001 guarantees indigenous peoples the right to access and participate in health services in an appropriate and dignified manner and with due respect for and protection of the ethnic and cultural diversity of the State. The rules governing social security provide that anyone without sufficient income qualifies for a subsidized scheme. The national Government has supported the establishment of a working group composed of representatives from indigenous organizations and communities, which has drawn up a set of proposed implementing regulations for Act No. 691 which will be discussed with the Ministry of Social Welfare.

6. The reports available to date indicate that 500,198 indigenous individuals are covered by the health subsidy scheme, which represents an investment by the State of 90,184,679,204 pesos, or over $30 million[2] per year. Of that number, about 410,000 indigenous individuals are affiliated to companies established by their own organizations and authorities. Recently, the President of the Republic stated that, by the end of his term of office, all indigenous people would be covered by the health subsidy scheme.

Autonomy and development

7. On the initiative of the national Government, the Congress of the Republic is currently discussing a draft Land-Use Act, giving effect to article 286 of the Political Constitution, regarding the composition of indigenous territorial entities. If this draft is approved, it will represent an essential step forward in the pursuit of autonomy and development for Colombia's indigenous populations, since, in addition to being governed by their own authorities, indigenous territories will be able to benefit directly from the revenues transferred to them by the State, set their own taxes and manage necessary public services in accordance with their global living plans.[3]

[2] Calculated at an exchange rate of 2,724 Colombian pesos to the dollar.

[3] "A tool designed by indigenous peoples with the guidance of their authorities which allows them to preserve their ethnic and cultural integrity with a view to creating the conditions for their future development as separate social and cultural groups".

8. At present, 746 territories classified as reservations[4] are held by Colombia's indigenous peoples. They cover an area of 31,066,430 hectares[5] in which 733,770 individuals live.[6] This area represents about 27 per cent of the total territory of Colombia and comprises a huge variety of ecosystems, in particular the 22 million hectares belonging to the indigenous peoples located in the Colombian Amazon.

9. The Constitution of Colombia recognizes the right of reservations to a share in resources transferred by the State to subnational territorial entities. The act governing that right provides that those resources must be invested in projects and initiatives developed by the indigenous communities themselves in the areas of education, health and basic sanitation, housing and rural development. The total resources transferred between 1994 and 2003 amounts to 387,931 million pesos, or $142.4 million. For the current year (2004), the resources allocated to legally established indigenous reservations that have been reported to the National Department of Planning by the National Administrative Department of Statistics (DANE) amount to 67,440,400 pesos, or $24,757,000. These resources are distributed according to the size of the population of the indigenous reservation in question as a proportion of the total indigenous population as recorded by DANE.

10. In addition, resources from the State and the United Nations World Food Programme amounting to 5,061,034 pesos, or $1,857,900, have been used to finance production projects in indigenous communities, and 6,820,312 pesos, or $2,526,000, are available in the form of soft loans for the financing of new initiatives.

11. A negotiated policy for the management of protected areas that overlap with indigenous reservations is being prepared in consultation with representatives of indigenous communities and organizations.

Education

12. On the basis of the constitutional principle that recognizes the ethnic and cultural diversity of the Colombian nation, the Ministry of Education has drawn up guidelines for the development of ethnoeducation programmes for indigenous peoples. In recent months, within the framework of the programme to broaden coverage, 500 million pesos have been spent to establish about 700 new school places for indigenous children in the department of Amazonas. In addition, in the department of Cauca, national funds have been used to establish about 2,000 new places.[7]

13. In order to facilitate indigenous young peoples' access to higher education, on 23 April 1988, the Alvaro Ulcue Chocue Scholarship Fund was established. The Fund, with a budget of 1,518,000 pesos for 2002-2003 and 1,200,000 pesos for 2004-2005, has helped 1,469 indigenous young people.

[4] In accordance with article 2 (3) of Decree No. 2164 of 1995, indigenous reservations or reserves are defined as "an area of wasteland with legally defined boundaries inhabited by one or more indigenous communities and allocated by INCORA to those communities so that they may exercise their rights of use and usufruct to the exclusion of third parties".

[5] Report of the Colombian Institute for Rural Development (INCODER), February 2004.

[6] Report of the National Administrative Department of Statistics (DANE), February 2004.

[7] Ministry of Education and National Royalties Fund, 2004.

14. Many public and private universities[8] have taken affirmative action measures to facilitate the entry of indigenous peoples to their academic courses. The special admissions programme for indigenous students of the National University of Colombia stands out, as it allocates 2 per cent of its places on each course in its various locations to indigenous students and provides free enrolment.

Culture

15. With a view to reclaiming and strengthening cultural memory, supporting and promoting traditional medicine and knowledge and encouraging the traditional cultural expressions of the indigenous peoples, the national Government, through the Ministry of Culture's ethnoculture programme, contributed to the implementation of 49 cultural projects in 2003 with the donation of 396,000,000 pesos, or $145,374,000.

Environment and biodiversity

16. The Colombian State has the duty of protection, promotion and preservation of our country's natural resources and the practical knowledge and innovations of indigenous peoples.[9] Accordingly, Colombia has made progress in establishing mechanisms to define policy guidelines, through such institutional meetings as working groups, inter-sectoral meetings and workshops with the participation of indigenous representatives at the national level, concerning the regulations governing access to genetic resources and the traditional knowledge of ethnic groups, whether or not they are associated with those resources and traditional cultural expressions (folklore).[10] Colombia is seeking to implement an effective mechanism for consultation and participation where the indigenous and tribal peoples of Colombia can give informed prior consent concerning their knowledge and the natural resources in their territories which protects their intellectual property rights, with the aim of respecting the traditions, usages and customs of the indigenous, Black and local communities.

Human rights

17. The main enemy of the Colombian people and the most serious threat to the physical and cultural survival of its indigenous peoples are the armed outlaw groups. Therefore, the current Government has chosen as one of its priorities the re-establishment of democratic security in the awareness that the fight against illegal armed groups must be waged in a framework of strict respect for human rights and constitutional guarantees. Defeating violence is an essential condition for achieving development and social justice.

18. The armed conflict has been affecting the indigenous population, as their lands and natural resources have become a focus of dispute for armed illegal groups; they have also established illicit crops and laboratories for processing coca in those territories. The opening of geostrategic corridors, forced recruitment and overriding

[8] There are currently agreements with 92 technical, technological and university higher education establishments.

[9] In accordance with the United Nations Convention on Biological Diversity, article 8 (j) and following.

[10] Recommendations of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore.

of traditional indigenous authorities by force of arms are some of the most salient causes of forced displacement and violation of the human and collective rights of the aboriginal population.[11]

19. The Office of Ethnic Groups of the Ministry of the Interior and Justice, in association with the Office of the Vice-President of the Republic and the Presidential Commissioner for Peace, work within a national strategy to protect the human and collective rights of ethnic groups and indigenous peoples in particular. The goal of this strategy is to prevent and mitigate the impact of the armed conflict, meet the specific needs of indigenous peoples, reduce displacement, create a national system of care and introduce an ethnicity component into statistics on violations of human rights and international humanitarian law.

20. Another scourge affecting indigenous peoples is the penetration of illicit crops into their territories. With regard to this point, a fundamental component of this policy is the fight against illicit drugs and organized crime, which is aimed at "the dismantling of the production process, trade and consumption of drugs, through forced and voluntary eradication of crops and development in disadvantaged and conflict areas through the implementation of an alternative development programme that creates alternatives for subsistence and income generation in the short term". In accordance with a Constitutional Court judgement to the effect that indigenous peoples should be consulted on the method of eradication of illicit crops in the Colombian Amazon, an agreement was signed with representative indigenous organizations providing for the regulation of the use of coca plants in accordance with their cultural patterns and for the concentrated eradication of illicit crops in this region of the country. With regard to the rights of the indigenous peoples in this zone, it was also agreed to form a regional board for the Amazon to draft a policy document that meets their needs.

Policy development

21. The present Government has been promoting some strategies concerning indigenous communities, included in the National Development Plan 2002-2006, which are:

- To establish the Office of the Presidential Commissioner for Ethnic Diversity, who will coordinate with the Ministries to set policies intended to raise the standard of living of the ethnic groups and ensure their participation in decisions affecting them.
- To assist indigenous peoples in planning their own lifestyle in accordance with their cosmology. The State will appropriate the resources for their development and execution and will also guarantee the observance of international

[11] Violations of the civil and political rights of indigenous and Afro-Colombian communities are aggravated, moreover, by problems stemming from efforts by the illegal armed groups to maintain control over their territories. They are often subjected to economic blockades, controls on food and medical supplies and restrictions on the free movement of persons, all worsening the precarious conditions in which they live. The presence of armed groups in the territories of these communities also affects their right to independence, threatens the ability of their authorities to govern and erodes their cultural identity. (Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia, E/CN.4/2003/13.)

conventions and treaties for the full enjoyment of the rights of indigenous peoples.

- To take special emergency measures to guarantee human rights and reverse the negative effects stemming from the armed conflict.
- To make progress in the process of establishment, rehabilitation and expansion of reservations, through the acquisition of property, giving priority to the most vulnerable communities and those located in the conflict zone.
- To make progress in programmes for conservation, management and sustainable use of natural resources in indigenous territories in harmony with their ways of life.
- To design a strategy for preventive measures and care concerning forced displacements and violations of their human, collective and cultural rights of indigenous people, and to provide support and disseminate information about experiences with peaceful resistance to the armed conflict. An ethnicity variable will be introduced into national statistics and records on the impact of the armed conflict.
- To complete the catalogue of indigenous rights through legislation in such areas as the special jurisdiction, provision of health care and education, prior consent, natural resources, the regime governing intellectual and cultural property rights and access to resources, with the participation and consensus of traditional leaders and representative organizations.

22. The delegation that represented the Colombian Government at the second session of the United Nations Permanent Forum on Indigenous Issues stated that:

A. The Colombian Government is working to improve the human rights situation our country is experiencing, in particular indigenous peoples, who are victims of the actions of armed outlaw groups. Therefore, the Colombian Government requested assistance and support in its commitment to protect the human and collective rights of indigenous peoples and endorses the request of Colombian indigenous organizations for the Chairperson of the Forum to visit Colombia, accompanied by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, on an unofficial basis.

B. As some indigenous organizations, including some from the Colombian Amazon, are preparing to assume responsibility for providing education to their communities, it requested the commitment and active support of UNESCO for this experiment, which we believe could constitute a pilot programme for Latin America.

C. It requested the Pan-American Health Organization (PAHO), under the "Health Care for Indigenous Peoples" initiative, to include as a pilot project in its strategic outline and plan of action 2003-2007 assistance, support and follow-up to the implementation and execution of indigenous health-care programmes run by indigenous organizations formed for this purpose.

D. The Colombian Government expressed its strong support for the United Nations Permanent Forum on Indigenous Issues and will consider all its recommendations, many of which are already being implemented and represent models which could be made available to countries and organizations participating in the Forum.

E. The Colombian Government declared itself a "friend of the Forum" and announced its commitment to initiate a similar expression of support within the Group of Latin American and Caribbean States (GRULAC).

F. It made a commitment to take decisive action, with the participation of the country's indigenous peoples and organizations, to work towards the completion of the United Nations Declaration on the Rights of Indigenous Peoples and, for the purpose of making this instrument a reality, expressed its willingness to consider alternatives that, without changing the spirit of the text, harmonized with the draft submitted by the Working Group.

G. The Colombian Government will continue to observe and promote the Kimberley and Johannesburg Declarations for sustainable development and other instruments aimed at the protection and effective development of the rights of the indigenous peoples of Colombia.

H. Finally, it respectfully recommended the following for the consideration of the Chairperson and other members of the Forum:

(a) At the next session, there should be an opportunity for direct and constructive dialogue between Governments and organizations representing indigenous peoples;

(b) Regional preparatory meetings should be held prior to the Forum;

(c) As input to the deliberations, the report of the President and of each of the members of the Forum as well as the United Nations agencies involved in the various topics being considered, should be available in advance;

(d) The matters to be discussed under each of the general agenda items should be defined more precisely;

(e) The Colombian Government proposed as a special topic for the third session, scheduled for 10 to 21 May 2004, "armed conflict and indigenous peoples", which was approved as a central theme for the fifty-sixth session of the United Nations Sub-Commission on the Promotion and Protection of Human Rights.